The Dartmouth College
Library
Has purchased this Book
from the Income of the
SANBORN LIBRARY FUND
Established by
EDWIN WEBSTER SANBORN
of the Class of 1878
In Memory of
EDWIN DAVID SANBORN
of the Class of 1832
for many years
Professor of Belles-Lettres
and sometime Librarian at
DARTMOUTH COLLEGE

Discarded by
Dartmouth College Library

Digitized by the Internet Archive
in 2026

https://archive.org/details/chanceryunderedw0000bwil

PUBLICATIONS OF THE UNIVERSITY OF MANCHESTER
No. CLXXXIX

HISTORICAL SERIES No. LI

THE CHANCERY UNDER EDWARD III

THE WARD BEQUEST

The late Sir Adolphus William Ward, successively Professor of History and English, Principal of Owens College and Vice-Chancellor of the University of Manchester, bequeathed one thousand pounds to the University. By the decision of the Council of the University, the income from this sum is to be devoted to the advancement of research in History and in English. It will normally be used to assist the publication by the University Press of approved works of scholarship, and all books of which the cost of publication has been wholly or partially defrayed from the fund will be issued with the imprint of "The Ward Bequest."

This is the second volume published under the terms of the fund.

Part of the financial responsibility for the issue of the volume has also been borne by the University College of the South-West, Exeter.

THE CHANCERY UNDER EDWARD III

BY

B. WILKINSON, M.A., PH.D.

Lecturer in Mediaeval History, University College of the South-West, Exeter

MANCHESTER: AT THE UNIVERSITY PRESS

1929

DARTMOUTH COLLEGE LIBRARY

Discarded by Dartmouth College Library

Published by the University of Manchester at
THE UNIVERSITY PRESS (H. M. McKechnie, M.A., Secretary)
23 Lime Grove, Oxford Road, MANCHESTER

AUG 28 1929
251378
Hist.

347.99
W659c

MADE IN ENGLAND

All rights reserved.

MANCHESTER
COLLEGE
LIBRARY

PREFACE

NO satisfactory chronological limits for a study of chancery can be found within the fourteenth century. The starting-point of very many developments in the chancery as elsewhere must be sought in the reign of Edward I., and no period of change and reorganisation comparable to this occurs within the next hundred years. This study of the chancery is, accordingly, restricted to the artificial limits of the reign of Edward III.; but this at least has the merit of covering fifty years of comparatively peaceful development in England, due in a considerable degree to the character and policy of Edward III. himself. Even within the limits of this period, some important aspects of the office of chancery have had to be omitted; but it is hoped that sufficient ground has been covered to suggest the main outlines of chancery organisation and activities and to discuss the most important problems relating to these.

Since this work was substantially complete, Sir Henry Maxwell-Lyte has published his *Historical Notes on the use of the Great Seal of England*, making important additions to our knowledge of the mediaeval administrative office of chancery. Some aspects of the study which he has treated exhaustively have been omitted from this work; in particular no attempt has been made to study the diplomatics of the chancery writ. Other aspects which have been treated in common have usually been regarded in this work from a slightly different point of view; in these I have revised and extended my conclusions in the light of the valuable information collected by Sir Henry Maxwell-Lyte.

The approach to the history of the mediaeval chancery suggested in the following pages has largely been rendered possible by the work on administrative history of such writers as Professors Baldwin and Tout. The latter in particular, by his pioneer studies, has made it possible to regard the chancery no longer in a very misleading isolation, but as part of and in relation to the mediaeval system of administration as a whole. No mediaeval administrative office, it may be suggested, has suffered quite so much as the chancery by the idea that it can be separated, for the purposes of study, from the system of which it formed an essential part. None has suffered more by a neglect of the true historical aspect of the office—of the problems of its development and gradual evolution as a whole. An exclusive regard, for instance, to the chancery only during the period when it had unmistakably developed an equitable jurisdiction of its own, is apt to give a very misleading conception of the scope and nature even of this aspect

of its work. Until recently the material was not available perhaps for a treatment of the chancery which would bear in mind not only the general lines of its development, but its relations also with other parts of the mediaeval system of administration. Even now our knowledge, especially of the early history of chancery itself, is particularly scanty. Indeed, in attempting to stress what appeared to be the important aspects of this early history, I have had to venture conclusions of my own, without being able to undertake any detailed research in the period. For this I must plead the absolute necessity of some attempt to understand the main developments in the chancery before the fourteenth century, in connection with the problems that appeared in the reign of Edward III. But, in any case, the friction which has resulted, here and later, with accepted views does not, I hope, obscure my appreciation of the great debt which I owe in my study of the chancery to the many writers who have touched upon the subject, old and new.

My grateful thanks are to be recorded here to my wife, for her help and judgment in the preparation of the work. I should like to thank also Professor J. Tait for the suggestions he made on the thesis as submitted for the degree of Doctor of Philosophy at Manchester University, and to add one more tribute to the many which have recorded the invaluable help of Mr. H. M. McKechnie, Secretary of the Manchester University Press. Above all I must record my gratitude to Professor T. F. Tout, to whom I owe more than I can easily express. If my obligations to his printed studies in administrative history are great, they fortunately in no way represent all the help I have received from him for many years. Without those studies my book, in its present form, could hardly have been attempted; but without the help and friendship of Professor Tout himself it would never, in any case, have been carried through. It is this fact, and all the personal relations which it covers that—like so many before me—I would gratefully record.

I should also like to express my personal thanks to the trustees of the Ward Bequest, and the authorities of the University College of the South-West, for their financial aid in publishing the book.

B. WILKINSON.

EXETER, *October* 1928.

CONTENTS

PAGE

PREFACE v

BIBLIOGRAPHY xi

LIST OF ABBREVIATIONS xxi

INTRODUCTION xxiii

The lack of comprehensive studies of the chancery. Neglect of some valuable sources. The real nature of the office of chancery: its unspecialised activities and limited powers. Its administrative and political importance. Its personnel. The growth of the office before the reign of Edward III. and under Edward III.; administrative and political developments.

CHAPTER I

THE CHANCERY BEFORE EDWARD III. 1

The growth of the office in the early middle ages. The chancery of Henry II. The chancellor and the care of the great seal under Richard and John. The chancellors and keepers of the seal under Henry III. The importance of the reign of Edward I. A new period with the beginnings of a separation of the office from the king.

CHAPTER II

CHANCERY AS A SECRETARIAT 11

The limitations in the use of the great seal under Edward III.: local seals, the seal of the exchequer, of the benches, small seals of the king. The increasing separation between the great seal and the king: effect of this on the chancery as a secretariat. Subjection of the chancellor to the king and the household. The use of the seal in the absence of the king. Letters without mention of service issued by chancery alone; the restricted nature of these. Growing distinction between two aspects of the chancellor's duties as keeper of the seal.

CHAPTER III

CHANCERY AS AN OFFICE OF ADMINISTRATION . . . 26

The distinction between the chancery as a secretariat and as an administrative office. Administrative activities: legal administration: administration of parliamentary affairs: exercise of minor powers of the crown in relation to the church. Participation in the work of other officials and departments: chancery and the escheator, the sheriff, the collector of customs. Chancellor's activities in the exchequer. Chancellor's relations with the council. The scope of the chancellor's administrative activities as a whole. Its

PAGE

development: changing relations between chancery and council: growth of chancellor's own functions in equity. Development depends ultimately on changing relations between great seal and the king.

CHAPTER IV

THE ORGANISATION OF CHANCERY 54

I. *The Main Sub-offices.*—The Department of the Rolls. The composition of the rolls. Their preservation (*a*) in the Tower, (*b*) in the House of Converts. Association between the two.

The Hanaper department. Income; payment for letters under the great seal, and fines. Expenditure.

II. *The Officials of Chancery.*—Sources of evidence. The size of the chancery staff. The twelve clerks of the first grade: method of election and duties. The twelve clerks of the second grade: their position in the office. Other clerks, clerks of the crown, cursitors, etc.

III. *The Household of Chancery.*—Promotion and payment of chancery clerks: their collegiate life: disintegration of the household of chancery under Edward III.

IV. *Headquarters of Chancery.*—Development of headquarters at Westminster since Edward I. Evidence for development under Edward III. Permanency of Westminster after 1337.

CHAPTER V

THE PERSONNEL OF CHANCERY—CHANCELLORS . . . 98

I. *Chancellors,* 1326–1340.—Connection between personnel and political events: importance of the latter. Edward III.'s policy in his early years. Chancellors of the Minority. Revolution of 1330. Supremacy of the Stratfords. The crisis of 1338 and the developments of Edward III.'s policy. The crisis of 1340 and the restoration of the monarchy by Edward III.

II. *Chancellors,* 1340–1371.—The lay chancellors, 1340–1345. The return to clerical chancellors, 1345. The clerical chancellors to 1367. The importance of the chancellorship of William Wykeham. The crisis of 1371 and the failure of Edward III.'s restoration of the monarchy.

III. *Chancellors,* 1371–1376.—The return to lay chancellors. The predominance of John of Gaunt. The growth of an opposition. The crisis of 1376 and events of the Good Parliament. The failure of the reforming council. The significance of John of Gaunt's ascendancy. The triumph of the baronage and the baronial council. Its effects on the chancellorship.

CHAPTER VI

THE PERSONNEL OF CHANCERY—THE GREATER CLERKS . . 147

I. Evidence for the list of greater clerks. Individual biographies.

PAGE

II. Conclusions from the biographies of chancery clerks. The predominance of north-country men: probable Lancastrian influence. Connection between changes in personnel and political events. Influence of the crisis of 1340 in the chancery. This crisis largely worked out in the council. Evidence of the anti-clericalism of the king. Its effect on clerical members of the council. Exclusion of chancery clerks from the council: fundamentally an administrative change. Political influences in the office after 1341.

APPENDICES:

I. The *vicecancellarius* and the care of the great seal under Richard and John. 189

II. The chancellors and keepers of the seal under Henry III. 194

III. The officers of chancery under Edward III. 199

IV. The Seal of Absence. 209

V. Payments for the expenses of the household of chancery, recorded in the Hanaper Accounts. 211

VI. The Ordinances attributed to 12 Richard II. 214

VII. Unpublished Documents. 224

INDEX 229

BIBLIOGRAPHY

I. Modern Works

Armitage-Smith, Sidney. *John of Gaunt.* 1904.

Baildon, W. P. *Select Cases in Chancery.* Selden Soc. 1896.

Baldwin, J. F. *The King's Council in England during the Middle Ages.* 1913.

Birch, W. de G. *Catalogue of Seals in the Department of Manuscripts in the British Museum.* 1887–1900.

Campbell, J. *The Lives of the Lord Chancellors of England.* Fourth edition. 1856–57.

Crump, C. G. "What Became of Robert Rag or Some Chancery Blunders," in *Essays Presented to T. F. Tout.* 1925.

Davis, H. W. C. *Regesta Regum Anglo-Normannorum.* Vol. I., 1066–1100. 1913.

Davies, J. C. *The Baronial Opposition to Edward II.* 1918.

Delisle, M. *Recueil des actes de Henri II concernant la France.* Paris, 1909.

Déprez, E. 1. *Études de diplomatique anglaise. Le sceau privé, le sceau secret, le signet.* 1908. 2. *Les Préliminaires de la Guerre de Cent Ans,* 1328–1342. 1902.

Deputy Keeper of the Rolls. *Annual Report—57th,* p. 25. 1896.

Dictionary of National Biography. Edited by Stephen and Lee.

Dowell, S. *A History of Taxation and Taxes in England.* London, 1888.

Doyle, J. E. *The Official Baronage of England.* London, 1886.

Dugdale, Wm. 1. *Origines juridiciales.* Third edition. 1680. 2. *Monasticon Anglicanum,* republished 1846.

Edwards, E. *Libraries and their Founders.* 1864.

Ehrlich, L. *Proceedings against the Crown,* 1216–1377. Oxford Studies in Social and Legal History. 1921.

Essays in Mediaeval History Presented to T. F. Tout. Edited by A. G. Little and F. M. Powicke. 1925.

Foss, E. 1. *Judges of England.* 1870. 2. *Tabulae curiales.* London, 1865.

Galbraith, V. H. "The Tower as an Exchequer Office," in *Essays Presented to T. F. Tout.*

Gasquet, Cardinal F. A. *The Old English Bible and Other Essays.* 1897.

Gibbs, V. *The Complete Peerage.* Second edition. 1910–26.

Giry, A. *Manuel de diplomatique.* 1925. (Nouvelle édition).

Gross, C. *The Sources and Literature of English History to* 1485. Second edition. 1915.

Hall, Hubert. 1. *Studies in English Official Historical Documents.* 1908. 2. *A Formula Book of English Official Historical Documents.* Part 1. Diplomatic Documents. 1908. Part 2. Ministerial and Judicial Records. 1909. 3. *The Red Book of the Exchequer,* edited by Hubert Hall, R.S. 3 vols. 1896.

Harcourt, L. W. V. *His Grace the Steward and Trial by Peers.* 1907.

Hardy, T. D. 1. *Introduction to the Rotuli Literarum Patentium.* (Vol. I.) Public Record Commission (1835). 2. *Introduction to the Rotuli Literarum Clausarum.* (Vol. I.) Public Record Commission (1833). 3. *Introduction to the Rotuli Chartarum.* (Vol. I.) Public Record Commission (1837).

Haskins, C. H. *Norman Institutions.* 1918.

Heyworth, L. *Political Tracts.* 1845.

Holdsworth, W. S. *A History of English Law.* Third edition. 1922.

Hughes, D. *A Study of Social and Constitutional Tendencies in the Early Years of Edward III.* 1915.

KERLY, A. M. *An Historical Sketch of the Equitable Jurisdiction of the Court of Chancery.* 1890.
LAPSLEY, G. T. *The County Palatine of Durham.* 1924.
LE NEVE, J. *Fasti Ecclesiae Anglicanae.* Corrected and continued by T. D. Hardy. 1854.
LEWIS, S. *Topographical Dictionary.* 1831.
LOWTH, ROBERT. *Life of Wm. Wykeham.* 1758.
MAITLAND, F. W., 1. (and POLLOCK, SIR F.) *History of English Law before the time of Edward I.* Second edition. 1898. 2 vols. 2. *The Constitutional History of England.* 1913. 3. *Records of the Parliament at Westminster,* 1305. (*Memoranda de Parliamento* 1305) R.S. 1893. 4. *Equity.* 1909.
MAS LATRIE, J. M. J. L. *Trésor de chronologie.* 1889.
MAXWELL-LYTE, H. C. *Historical Notes on the Use of the Great Seal of England.* 1926.
MCILWAIN, C.H. *The High Court of Parliament and its Supremacy.* 1910.
MOISANT, J. *Prince Noir en Aquitaine.* 1894.
MOREL, O. *La Grande Chancellerie royale et l'expédition des lettres royaux,* 1328–1400. 1900.
PERRICHET, L. *La Grande Chancellerie royale de France de ses origines à* 1328. 1912.
PIKE, L. O. 1. *A Constitutional History of the House of Lords.* 1894. 2. *Year Book of* 16 *Edward III.,* edited by L. O. Pike, R.S. 1896.
PLUCKNETT, T. F. T. *Statutes and their Interpretation in the* 14*th Century.* 1922.
POLLARD, A. F. *Evolution of Parliament.* Second edition. 1925.
POOLE, R. L. 1. *The Exchequer in The Twelfth Century.* 1912. 2. *Lectures on the Papal Chancery.* 1915.
P.R.O. *Lists and Indexes.*
RAINE, J. *Fasti Eboracenses.* Vol. I. 1863.
RAMSAY, J. H. *Genesis of Lancaster* (1307–1399). 2 vols. 1913.
Report on the Dignity of a Peer of the Realm (1820–1829) 5 vols. Vols. II. and III.
ROBERTSON, J. C., and SHEPPARD, J. B. *Materials for the Life of Thomas Becket.* (R.S.) 1875–85.
ROUND, J. H. 1. *Geoffrey de Mandeville.* 1892. 2. *Feudal England.* 1909.
SANDERS, G. W. *Orders of the Court of Chancery.* 1845.
SHARP, M. "The Administrative Chancery of the Black Prince before 1362," in *Essays presented to T. F. Tout.*
SPENCE, G. *Equitable Jurisdiction of the Court of Chancery.* 1846.
STUBBS, WM. (BISHOP). 1. *Constitutional History of England.* Fourth edition. 1891. 2. *Chronicles of the reigns of Edward I. and Edward II.* Introduction (R.S.). 1883. 3. *Select Charters.* Ninth edition. 1913.
TANNER, T. *Notitia monastica,* reprinted with additions by James Nasmith. 1787.
TOUT, T. F. 1. *Political History of England.* Vol. III. (Edited by Hunt, W., and Poole, R. L.). 1905. 2. *Place of Edward II. in History.* 1914. 3. *Chapters in the Administrative History of Mediaeval England.* Vols. I. and II. 1920. 4. *England and France in the Middle Ages and Now.* 1922. 5. "The Household of Chancery and its Disintegration," in *Essays in History Presented to R. L. Poole.* Edited by H. W. C. Davis. 1927.
TREVELYAN, G. M. *England in the Age of Wycliffe.* 1920.
VICKERS, K. *England in the Later Middle Ages.* 1921.
WHARTON, H. *Anglia sacra. Sive Collectio Historiarum de Archiepiscopis et Episcopis Angliae ad annum* 1540. 1691.

WILKINS, D. *Concilia Magnae Brittaniae et Hiberniae.* 1737.
WOOD, ANTONY À. *History and Antiquities of the University of Oxford.* Edited by John Gutch. 1792.
WYON, A.B., and WYON, A. *Great Seals of England.* 1887.

II. PERIODICALS

English Historical Review—
xi. 731-44. "A Charter of William the Conqueror in favour of St. Martin's-le-Grand," W. H. Stevenson.
xxi. 1-20. "Antiquities of the King's Council," J. F. Baldwin.
xxiii. 1-14. "The King's Council from Edward I. to Edward III.," J. F. Baldwin.
xxiii. 220-35. "The Chancery during the Minority of Henry III., F. M. Powicke.
xxiv. 496-505. "The Chief Officers of the King's Wardrobe down to 1399," T. F. Tout.
xxv. 430-44. "Secretaries in the Thirteenth and Fourteenth Centuries," Miss D. L. Dibben.
xxvii. 39-51. "Chancellor and Keeper of the Seal under Henry III.," Miss L. B. Dibben.
xxvi. 331-2. "The Arrest of Roger Mortimer and Queen Isabel," C. G. Crump.
xxx. 6-18, 193-215. "Archbishop Stratford and the Parliamentary Crisis of 1341," G. Lapsley.
xxx. 69-74. "The Taxes upon Movables in the Reign of Edward III.," J. F. Willard.
xxxiv. 579-82. "Articles laid before the parliament of 1371," V. H. Galbraith.
xxxv. (1920) 214-7. "The Early Use of *Teste me ipso*," Miss H. Prescott.
xli. 246-51. "The 'Continual Council' in the Early Years of Richard II., 1377-1380," N. B. Lewis.
xlii. 248-51. "A Letter of Edward III. to his Chancellor and Treasurer," B. Wilkinson.
xlii. 397-402. "The Seals of the Two Benches under Edward III.," B. Wilkinson.

The Bulletin of the John Rylands Library [1]—
iii. 185-214 (1916). "The English Civil Service in the Fourteenth Century," T. F. Tout.
Vol. 7, No. 1 (July 1924). "A Jodrell Deed and The Seals of the Black Prince," M. Sharp.
Vol. 8, No. 1 (Jan. 1924), pp. 82-106. "Some Conflicting Tendencies in English Administrative History during the Fourteenth Century," T. F. Tout.
Vol. 8, No. 1 (Jan. 1924), pp. 140-9. "A Note on the Criticism of Records," C. G. Crump.
Vol. 8, No. 1 (Jan. 1924), pp. 107–39. "The Authorisation of Chancery Writs under Edward III.," B. Wilkinson.
Vol. 9, No. 1 (Jan. 1925), pp. 177-88. "A letter to Louis de Male, Count of Flanders," B. Wilkinson.

Proceedings of the British Academy—
Vol. ix. 1919-20, pp. 319-39. "Seals and Documents," R. L. Poole.
Vol. xi. "The Beginnings of a Modern Capital," T. F. Tout (reprint).

Bulletin of the Institute of Historical Research—
Vol. iv. No. 12, pp. 129-43. "The Chancery of the Duchy of Lancaster," J. F. Baldwin.

[1] All J.R.B. articles are published separately.

Law Quarterly Review—
Vol. xxix. (1913), pp. 154-62. "Equity and the Common Law," F. Tudsbery.
Middlesex and Hertfordshire Notes and Queries—
Vol. ii. 49-68. "The Rolls House and Chapel," W. J. Hardy.
Church Quarterly Review—
lxvi. (1908) 339-66. "Simon Langham, Abbot of Westminster," J. Armitage Robinson.
Archæological Journal—
ii. 14-36. "On the History of the Great Seals of England, Especially those of Edward III.," R. Willis.
Yorkshire Archæological Journal—
Vol. xxv. (1918–20) 129-268. "The Registers of the Archdeaconry of Richmond, 1361–1442," A. H. Thompson.
Cumberland and Westmorland Antiquarian and Archæological Soc.—
Transactions N. S. XIX. (1919) 30–91. "Sir Robert Parvyng, Knight of the Shire for Cumberland and Chancellor of England," by J. R. Magrath.

Records Printed

Rotuli Chartarum regnante Johanne. Record Commission, 1837.
Rotuli Literarum Clausarum. Record Commission, 1833–1844.
Rotuli Literarum Patentium. Record Commission, 1835.
Calendar of Charter Rolls.
Calendar of Patent Rolls.
Calendar of Close Rolls.
Calendar of Fine Rolls.
Calendar of Inquisitions Post Mortem, etc.
Rotuli Scotiae in Turri Londiniensi, etc. (Vol. 1). Record Commission, 1814.
Foedera, conventiones, litterae . . . inter reges Angliae et alios quosvis imperatores, reges, etc. Thomas Rymer. London, 1816.
Calendar of Papal Registers, Petitions.
Calendar of Papal Registers, Letters.
Valor Ecclesiasticus, Temp. Henr. VIII. Record Commission, 1810.
Taxatio ecclesiastica Angliae et Walliae auctorite P. Nicolai IV. *Circa* A.D. 1291. Record Commission, 1802.
The Parliamentary Writs and Writs of Military Summons. Collected and Edited by Frances Palgrave. Record Commission, 1827.
Rotuli Parliamentorum, 1767–1783.
Statutes of the Realm. Record Commission, vol. 1, 1810.
Year Books, for the reign of Edward III. (Rolls Series).
Archives of the University of Oxford. Oxford Hist. Soc. Edited by H. E. Salter. 1920.
Munimenta civitatis Oxonie. Edited by H. E. Salter. 1920.
Charters of the City of Lincoln. Edited by W. de G. Birch. 1911.
John of Gaunt's Register. Edited by S. Armitage-Smith. Camden Soc. Third Series, vols. xx., xxi. 1911.
Registrum Thome de Charlton, Episcopi Herefordensis. Edited by W. Capes. Canterbury and York Soc. 1913.
Registrum Ade de Orleton, Episcopi Herefordensis. Edited by A. T. Bannister. Canterbury and York Soc. 1908.
Registrum Johannis de Trillek, Episcopi Herefordensis. Edited by J. H. Parry. Canterbury and York Soc. 1912.
The Register of Ralph of Shrewsbury, Bishop of Bath and Wells. Edited by T. S. Holmes. Somerset Record Soc. 1896.

Register of William of Wykeham (1366–1404). Edited by T. F. Kirby. Hampshire Record Soc. 2 vols. 1896–99.
The Register of Thomas Brantyngham. Edited by the Rev. F. C. Hingston-Randolph. Episcopal Registers, Diocese of Exeter. 1901. 2 vols.
Historical Papers and Letters from the Northern Registers. Edited by J. Raine, R.S. 1873.
Testamenta Eboracensia. Edited by J. Raine. Surtees Soc.

Records Unprinted [1]

Chancery Warrants for the Great Seal.
Chancery Inquisitions *Ad Quod Damnum.*
Chancery Inquisitions *Post Mortem.*
Chancery Inquisitions Miscellaneous.
Chancery Writs and Returns.
Chancery Brevia Regia—Tower Series.
Exchequer of Receipt, Warrants for Issue.
Exchequer Foreign Accounts and documents subsidiary to Accounts.
Exchequer Accounts, Enrolled Accounts, Pipe Roll.
Ancient Correspondence.
Parliamentary Proceedings of Chancery.
Charters of the City of Exeter, in Exeter City Archives.
Charters of the City of London, in Guildhall, London.

Law Books, etc.

Dialogus de scaccario. Edited by Messrs. A. Hughes, C. G. Crump, C. Johnson. 1902.
Mirror of Justices, Horne. Edited by W. J. Whittaker. Selden Soc.
Fleta seu Commentarius juris Anglicani sub Edwardo Rege Primo. Edited Selden. 1685.
Tract of Maisters in Chancerie, Anonymous. Edited by F. Hargrave, in *A Collection of Tracts Relative to the Law of England,* Vol. I. 1787.

Chronicles

Chronica Magistri Rogeri de Houedene. Edited by W. Stubbs (R.S.). 1868–1871.
Mathaei Parisiensis monachi Sancti Albani Chronica Majora. Edited by H. R. Luard (R.S.). 1872–83.
Annales Paulini, in *Chronicles of the Reigns of Edward I. and Edward II.* Vol. 1. Edited by W. Stubbs (R.S.) 1882.
Gesta Edwardi de Carnarvon auctore canonico Bridlingtoniensi, in *Chronicles of the Reigns of Edward I. and Edward II.* Edited by W. Stubbs (R.S.). 1882.
Vita et mors Edwardi II. conscripta a Thoma De La Moore (really by Geoffrey le Baker), in *Chronicles of the Reigns of Edward I. and II.* Vol. II. Edited by W. Stubbs (R.S.). 1882.
Eulogium (*Historiarum sive Temporis*). *A monacho quodam Malmesburiensi exaratum.* Edited by F. S. Haydon (R.S.). Vol. III. 1863.
Chronicon Walteri de Hemingburgh, etc. Edited by H. C. Hamilton. 1848–1849.
Adae Murimuth Continuatio Chronicarum. Edited by E. M. Thompson (R.S.). 1889; and edited by Thomas Hog for the Eng. Hist. Soc. London, 1846.

[1] Unless otherwise stated they are in the P.R.O.

Chronicon Galfridi Le Baker De Swynebroke. Edited by E. M. Thompson. 1889.
Robertus de Avesbury, De gestis mirabilibus Regis Edwardi Tertii. Edited by E. M. Thompson (R.S.). 1889.
Chronica Johannis de Reading et anonymi Cantuariensis (1346–1367). Edited by J. Tait. 1914.
Chronicon Henrici Knighton. Edited by J. R. Lumby (R.S.). 1889.
Croniques de London depuis l'an 44 Hen. III. jusqu'à l'an 17 Edw' III. Edited by G. J. Aungier. Camden Soc. 1844.
Chronica Monasterii de Melsa. Edited by E. A. Bond (R.S.). 1866.
Chronicon Angliae, 1328–1388. *Auctore monacho quodam Sancti Albani.* Edited by E. M. Thompson (R.S.). 1874.
Thomae Walsingham Historia Anglicana. Edited by H. T. Riley (R.S.). 1863.
Polychronicon Ranulphi Higden monachi Cestrensis. Vol. VIII. Edited by J. R. Lumby (R.S.). 1882.
The Anonimalle Chronicle, 1333–1381. Edited by V. H. Galbraith. 1927.
Froissart, J. *Chroniques.* Publiées pour la Société de l'Histoire de France, par Siméon Luce, vols. 1-7. 1869–78.
Vitae Archiepiscoporum Cantuarensium, attributed to Stephen Birchington, printed in H. Wharton's *Anglia Sacra.* 1691.
Continuatio Chronicae de vitis Archiepiscoporum Eboracensium, Per Thomam Stubbs. Edited by J. Raine in *Historians of the Church of York and its Archbishops.* R.S. 1879–94.
Fasciculi Zizaniorum Magistri Johannis Wyclif. Edited by W. W. Shirley. R.S. 1858.

A Note on the Bibliography and Sources[1]

There is no modern treatise on the mediaeval office of chancery in England. The nearest approach is the recently published work (1926) of Sir Henry Maxwell-Lyte, *Historical Notes on the Use of the Great Seal of England.* This discusses briefly the organisation of the mediaeval chancery, and gives a full description of the processes which set in motion the great seal at various periods, with the different authorities which were employed to sanction its use, and the procedure of chancery in using the seal and in composing, engrossing, sealing, and enrolling letters and writs. But there is no account of the historical development of the office, nor of the general activities of the chancellors or chancery clerks. For the history of chancery before the reign of Edward III., the two most valuable sources of information are Professor T. F. Tout's *Chapters in Mediaeval Administrative History,* vols. i. and ii. (up to the reign of Edward III.), and M. Delisle's *Recueil des actes de Henri II* (Introduction). Two short but valuable contributions to the history of the office in the thirteenth century are Professor F. M. Powicke's " The Chancery during the Minority of Henry III.," *E.H.R.* xxiii. 220-35, and Miss L. B. Dibben's " Chancellor and Keeper of the Seal under Henry III.," *E.H.R.* xxvii. 39-51. For the later period an illuminating account of parliamentary procedure in the reign of Edward I., including the part played by chancery officials, is given in F. W. Maitland's *Memoranda de Parliamento,* 1305 (1893). Professor Tout's *Place of Edward II. in History* is not altogether superseded by this later work ; and *The Baronial Opposition to Edward II.* by Mr. J. C. Davies is also exceedingly useful for the chancery under Edward II. For the reign of Edward III. little information

[1] References to books by author's name only can be amplified from the alphabetical list in the bibliography.

of any value occurs outside the work of Sir Henry Maxwell-Lyte and Professor Tout.[1]

The only other works which discuss the mediaeval chancery in any detail are the treatises on equity. There have been numerous attempts to describe the origin and growth of the equitable jurisdiction of chancery, of which the most important are those of Spence, Kerly, and Maitland. For the most important aspect of that development, however—the relations between chancery and the council—these have been quite superseded by the chapter, "The Council and the Chancery" (pp. 236-61), in Professor Baldwin's *King's Council in the Middle Ages*. Other aspects of the problem are discussed in the books of Baildon (stressing the legal point of view), Pike, and particularly Ehrlich. Ehrlich gives a most valuable discussion of the presenting of petitions in parliament. A general treatment of the subject, embodying Baldwin's work, has been supplied recently by Professor W. S. Holdsworth in his *History of English Law*.

Other aspects of Edward III.'s chancery have been scarcely treated at all. Some remarks on the office are given by Professor Holdsworth, but they are of a very general nature, and based to some extent on the anonymous and not very trustworthy *Tract of Maisters in Chancerie*, a pamphlet frankly of a partisan nature, written at the end of the sixteenth century. An untrustworthy account of the office of the rolls and the *Domus Conversorum* is given in the *Middlesex and Hertfordshire Notes and Queries* (vol. ii. 49-68), by W. J. Hardy. And an article by myself, "The Authorisation of Chancery Writs," has appeared in the *J.R.L.B.*, vol. 8, No. 1 (pp. 107-39).

The chancery writ has been the subject of a more extensive literature. The best work on the diplomatics of the English chancery is Giry's; Dr. H. Hall's *Studies in English Official Historical Documents* is somewhat involved and difficult in its treatment. Useful information is still to be found in T. D. Hardy's introductions to the chancery rolls of John's reign. The best book on the seals of Edward III. is A. Wyon's, with which should be used Professor Willis's article in the *Archæological Journal*. Other remarks on Edward III.'s seals appear in my article, "A Letter to Louis de Male, Count of Flanders," in *J.R.L.B.* Indispensable supplements to the study of English diplomatics are the works of Perrichet and Morel.

For the lives of chancellors and chancery clerks, some facts are to be found in Foss and Campbell, but both have been largely superseded by the *D.N.B.*; and Campbell is exceedingly untrustworthy. For Langham see Dean Armitage Robinson's article in the *Church Quarterly Review* (lxvi. 339-66); for Wykeham, Lowth's *Life*. For the chancery personnel the printed episcopal records and the part of John of Gaunt's *Register* published by S. Armitage-Smith are also useful.

The original material existing for a study of the chancery under Edward III. is copious, but it is chiefly of the record type. Chronicles have nothing to say of the office; and (if we except an oath of office taken by chancery clerks in 1346) there are no contemporary descriptions of the chancery, or regulations concerning it, such as exist for the French chancery. The nearest approach to the one is a description in the law book *Fleta*, written in the reign of Edward I., and to the

[1] Since this work has gone to the press the valuable series of articles on administrative history by Professor Tout has been supplemented by "The Household of Chancery and its Disintegration" in *Essays in History Presented to R. L. Poole* (1927), whilst the whole series has been to some extent superseded by vols. iii. and iv. of his *Chapters in Mediaeval Administrative History*, covering the period 1327–1399 (M.U.P., 1928), which unfortunately appeared too late for me to make any use of it.

other is the valuable *Ordinaciones Cancellarie*, printed and discussed in Appendix VI., *infra*, attributed, and probably to be assigned, to the year 12 Richard II.

The record material itself is most copious. It consists chiefly of the writs and records of the chancery itself, warrants for the use of the great seal, and correspondence to the chancellor or to the chancery clerks. Many of the chancery enrolments have been calendared, and fortunately the P.R.O. calendarers have scrupulously printed in these the notes and memoranda occurring in the original chancery rolls. Copies of the enrolments of chancery writs occur in Rymer's *Foedera* and the *Lords' Reports on the Dignity of a Peer* (App. 3 and 4). Original letters have been printed in particularly valuable collections in the Rev. H. E. Salter's *Mediaeval Archives of Oxford*, and *Munimenta Civitatis Oxonie*, Mr. W. de G. Birch's *Royal Charters of Lincoln* and Dr. H. Hall's *Formula Book of Diplomatic Documents*. Other letters, occurring in Bishops' Registers, are not always to be trusted as copying accurately the memoranda from the original chancery writs.

There is much unprinted record material, chiefly in the P.R.O. Many original chancery writs survive there in the Brevia Regia, Tower Series (mutilated and superseded letters patent returned to chancery), in the Chancery Files of Inquisitions *Post Mortem*, Inquisitions *Ad Quod Damnum*, Miscellaneous Inquisitions, and Chancery Writs and Returns (consisting of the original chancery writs commanding these inquisitions, and returned to the chancery, together with the inquisitions made); and in the Exchequer Records, the files of Exchequer Warrants themselves (*i.e.* warrants for the exchequer) and the bundles of warrants returned to the exchequer along with subsidiary accounts. More can easily be found, among the immense number of departmental records (*e.g.* Chancery Warrants for the Great Seal, Warrants from the Council); and they can be supplemented by original charters and letters patent preserved in local archives, such as the Guildhall, London, or the Guildhall, Exeter.

Of next importance to these are the Chancery Warrants for the Great Seal. Of these, for the reign of Edward III., more than half consist of writs and bills under the privy seal. These are mostly formal requests for the issue of writs under the great seal, largely reproduced in the writs that were issued. But this is by no means invariably the case, particularly in the case of the bills, which bear some resemblance to the privy seal writs serving as warrants at an earlier period, in that they are less formal and stereotyped, and to this extent more valuable than the privy seal writs of Edward III.'s reign. Very many, even of the bills, however, are requests for letters of protection or congé, or permission to depart overseas. They begin in 17 Edward III.; but are mostly subsequent to the year 40 Edward III. In some respects similar to the bills of privy seal, are valuable (though few) files of warrants under the secret and other small seals (griffin and signet). These generally represent the more personal wishes of the king, and reproduce closely in this respect the privy seal warrants of the time of Edward I. The griffin seal, however, was only used for business connected with the king's chamber.

Other warrants for the great seal have been divided by the P.R.O. into ten classes. Of these, Treasurers' Warrants, Butlers' Warrants, Household Warrants, Warrants for writs of Allocate and Liberate, and Warrants for Protections and Attorneys, are requests from officials or departments for letters connected with their work, and falling within the scope of their office. They are formal and represent administrative routine. Regents' Warrants consist of letters issued to the chancellor by the Keeper of the Realm, during the king's absence abroad. Warrants of the Council are miscellaneous documents which had served as communications from the council to the chancery. The Warrants arranged under the names of chancellors are chiefly, though not exclusively, applications for protection for those engaged in the king's

service. The Unsigned Bills and other Direct Warrants—informal orders or requests for the issue of writs—are all, with the exception of one file (file 1394), for a period later than Edward III. Finally there are two series of Various Warrants.[1] The former contains warrants from royal officers, of the same type as Treasurers' Warrants; the second are of a similar type, except the Warrants for Internal Chancery Matters, which are chiefly notes and memoranda directing the drawing up of writs, and Warrants Undescribed which do not all ask for the immediate issue of chancery writs.[2] As a whole the files of Chancery Warrants contain an enormous mass of information, but this is made difficult to extract by the formal nature of most of the warrants.

Next in order of importance to the Chancery Warrants are the files of Ancient Correspondence. From the particular point of view of the chancery, some of the letters preserved here are not always easily distinguishable from those preserved on the files of Chancery Warrants; like the latter they sometimes ask for letters under the great seal, but they are never merely formal applications for writs, and because of this, though comparatively few, they are exceptionally important in the information they give on the organisation of chancery.

Outside these three main sources of information, the most extensive collection of records concerning the chancery is to be found in the Exchequer Accounts relating to the hanaper. These occur in two places, (1) the original account of the clerk of the hanaper, preserved by the Exchequer, in the Exchequer Various Accounts, and (2) the enrolled account in the Pipe Roll of the Exchequer. After 42 Edward III. the enrolled account appeared in the Rolls of Foreign Accounts. It is more valuable as containing a number of *addenda*, made after the original account had been received in the Exchequer; but on the other hand some details are omitted. The daily receipts for the issue of writs which appear in the keeper of the hanaper's account are replaced in the Pipe Roll by a sum total of the receipts for each kind of writ, and the detailed account of the expenses of the *portejoie* is omitted. The accounts enrolled in the Pipe Roll are complete,[3] but there are some bad gaps in the original accounts. Along with the hanaper accounts, subsidiary documents were handed into the Exchequer, some of which survive. The complete hanaper finances can be worked out from these sources.

There are other important sources for the history of chancery under Edward III. which it has not been possible to consult in detail for this work. The *Placita in Cancellaria* for the reign of Edward III. are primarily concerned with the Common Law processes in chancery, but it is clear that they are likely to contain valuable information on the organisation and procedure of chancery as a whole. The files of Ancient Petitions preserved in the P.R.O. have been used very effectively by Professor Baldwin. The bundles of original writs which survive for the period have not apparently been used at all. The King's Remembrancer Roll of the Exchequer should be of use. As a matter of fact, almost any departmental records are likely to contain information with regard to the chancery: the trouble is not so much a lack as an excess of evidence of the record type.

---

[1] Files 56-1663 and files 1757-96.

[2] These are Chancery Warrants, files 1772-77. Thus file 1773/24 is only very indirectly a warrant for the great seal: Tres cher Sire et tresfiable amy Ieo envoy vers vous sunekyn de Norton portour de cestes a qi voillez faire et crere de ces qil vous derra de par moi sicome a mois mesmes. Tres cher Sire dieu vous eit en sa garde.

Par Johan de Molins.

[3] Except the year 33-34.

LIST OF ABBREVIATIONS

AVESBURY. *Robertus de Avesbury, de gestis mirabilibus Regis Edwardi Tertii.*
BAKER. *Chronicon Galfridi le Baker de Swynebroke.*
B.J.R.L. The Bulletin of the John Rylands Library.
C.C.R. Calendar of Close Rolls.
C.F.R. Calendar of Fine Rolls.
C.P.R. Calendar of Patent Rolls.
C.H. Constitutional History, Bishop Stubbs.
Chapters. Chapters in the Administrative History of Mediaeval England, T. F. Tout.
CHANC. WARRS. *Chancery Warrants for the Great Seal.*
Chron. Ang. Chronicon Angliae 1328-1388 *auctore monacho quodam Sancti Albani.*
E.H.R. English Historical Review.
EXCHEQUER ACCOUNTS. Exchequer Foreign Accounts and documents subsidiary to Accounts.
EXCHEQUER WARRANTS. Exchequer of Receipts, Warrants for Issue.
HEMINGBURGH. *Chronicon Walteri de Hemingburgh.*
INQ. *A.Q.D.* Chancery Inquisitions, *Ad Quod Damnum.*
INQ. MISC. Chancery Inquisitions, Miscellaneous.
INQ. *P.M.* Chancery Inquisitions, *Post Mortem.*
MURIMUTH. *Adae Murimuth Continuatio Chronicarum* (R.S.).
P.R. Exchequer Accounts, Enrolled Accounts, Pipe Roll.
Register. John of Gaunt's Register.
Rot. Chart. Rotuli Chartarum Regnante Johanne.
Rot. Close. Rotuli Literarum Clausarum.
Rot. Parl. Rotuli Parliamentorum.
Rot. Pat. Rotuli Literarum Patentium.
S.C. Select Charters, Bishop Stubbs.

INTRODUCTION

THE mediaeval English chancery has been the subject of much historical investigation, and yet its history is still largely obscure. Few mediaeval offices of administration have been so thoroughly examined in some aspects, so completely ignored in others. Many investigators have touched upon or illuminated one or more of its problems, but few have ever envisaged its problems as a whole. No great historian has done for the office what Madox did so long ago for the exchequer. The result is not only that some of its activities have received little attention, and some sources of evidence for its history have been little used, but also that the real nature of the office has on occasions been obscured by conceptions derived from only a partial study of its work.

Chancery in the past has mainly been regarded either as the office which was to become a great court of equity in the later middle ages, or, more generally, as the office of the great seal and the great secretariat of the king. The former view tended to represent chancery exclusively as a court of law, the latter to make it merely the passive instrument of the crown, with no real identity or separate existence of its own. The point at which both views were united was on the importance of the chancellor. The history of the chancellors became an important line of approach to the history of their office. But the assumption tended to be that this history really did represent to some extent that of the chancery as a whole. The importance of the chancellor overshadowed completely that of all the rest of his department, and all the problems of the office tended to be discussed in relation to the chancellors alone.

These methods of approach to the history of chancery in part depended upon, and also in part created, a corresponding attitude to the materials from which the history had to be drawn. It led to a process of selection and distinction. From the legal point of view the records of chancery as a secretariat could be largely ignored: the lawyer had his own peculiar field of research in the common-law activities of the department and the innumerable petitions to the crown and chancellor. To the historian to whom the chancery was primarily the office of the great seal, all these legal records could be conveniently put on one side. Moreover the general historian saw in the remaining records not so much the records of chancery as of the crown. They were the records of the great seal and thus of the king. A detailed investigation of their nature was undesirable, and would probably be useless. There was no limit to and it was impossible to define the all-inclusive administrative activities of the crown.

The result of this, as far as the history of chancery was concerned, was the neglect of a large part of the most important records of the office. The great bulk of these consists of the letters issued under the great seal, of the departmental rolls for the most part recording those same letters, and of the warrants received by the chancellor for the use of the great seal. All have, of course, been extensively used for many aspects of mediaeval history, but they have been employed in only a limited degree for the history of chancery itself. The value for this purpose of letters under the great seal, for instance, has not been completely understood. Those of the later middle ages have unfortunately escaped the patient examination that has been accorded to many of their predecessors of an earlier age,[1] and which they have received in varying degrees abroad.[2] The diplomatics of the ordinary chancery writ in England still contains very many problems. It is not yet finally settled what is an "original" writ [3] or even a letter close.[4] The notes and memoranda on these writs, though of the greatest importance for the history of chancery, as M. O. Morel has shown by his study of the fourteenth-century chancery in France,[5] have been largely ignored. Similarly the vast collection of original warrants for the great seal preserved in the P.R.O. have only in very recent times been critically examined from the point of view of the chancery historian and in relation to the usages and constitution of the office of chancery.[6] These records, above all, contain the secrets of chancery organisation, but secrets which their bulk and official nature have in the past very effectively concealed. The same sort of thing applies even to the rolls of chancery which have been calendared for so many years. Despite much valuable work on different aspects of chancery in the middle ages, a detailed preliminary examination of the records of the office was, until the work of Sir Henry Maxwell-Lyte, still to be carried out.

It is just this examination, however, which makes it clear that the chancery in the fourteenth century was not only either a court of law or a secretariat of the crown, or both. It was a secretariat on

[1] M. Delisle, *Recueil des actes de Henri II concernant la France.*

[2] A. Giry, *Manuel de diplomatique*; L. Perrichet, *La Grande Chancellerie royale de France de ses origines à* 1328; O. Morel, *La Grande Chancellerie royale*; R. L. Poole, *Lectures on the Papal Chancery.*

[3] See A. F. Pollard, *Evolution of Parliament*, App. III. p. 431; but the general opinion on the point seems to be clear. It is, as quoted by Professor Pollard himself, from Dr. Holdsworth: "Some writs, *e.g.* the writ of right, are original, that is, they originate an action, others are only issued in the course of the proceedings."

[4] Maxwell-Lyte, *The Great Seal*, pp. 303, 392. Cf. *History*, July 1927, pp. 158, 159.

[5] O. Morel, *La Grande Chancellerie royale.*

[6] Maxwell-Lyte, *The Great Seal.*

the one hand, on the other a department of administration like the exchequer, with duties essentially its own; and fundamentally equity must be regarded as growing out of these administrative activities of the office in the widest sense. These have been largely obscured by the work of the chancellor as keeper of the great seal. For this was the only instrument of his office, and the assumption has been that all his acts under the great seal represented essentially the activities not of the chancellor but of the crown. But long before the fourteenth century the growing complexity of administration had made it inevitable that the chancellor himself should be responsible for a great many of the letters which he issued in the name of, and under the great seal of, the king. He acted in two distinct capacities, as head of the chief secretariat of the crown and as head of a semi-independent office of administration, like the treasurer in the exchequer; and this is the fundamental and all-important distinction which runs through the whole range of his acts.

Moreover the nature of the chancellor's independent activities in administration can be fairly accurately determined, and will be found to extend into every aspect of the administration of state. The chancery was indeed the administrative department of the great seal, and its activities were only limited, in a sense, by the limitations of the great seal itself. The great seal was still in the fourteenth century the supreme instrument of state administration, as it was of government in its widest sense, and the office of the great seal was still the great co-ordinating centre for state administration as a whole. It was still unspecialised as was the great seal: it was still called upon to perform new administrative duties falling outside the limits of more specialised departments like the exchequer, and for which no new office was as yet evolved; and if it was more interested in some aspects of administration—judicial and ecclesiastical—than in others such as finance, for which there was a separate department and a separate seal, fundamentally it was still the administrative office of the crown in the widest and most general sense.

But if the chancellor was still largely unspecialised, he was by no means unlimited in his administrative work. He was subject to close restrictions, exactly as the treasurer was in finance: he was no more free to make any use of the great seal than the treasurer was to make indiscriminate use of the seal of the exchequer. In administration the chancellor wielded the great seal of the king and represented the crown, but he was carefully restricted in his exercise of the royal prerogative. Substantially his activities were limited to matters of administrative routine. There were clear exceptions to this, in spheres of administration which he had made peculiarly

his own; but in none of his departmental work had the chancellor a power either unlimited or undefined. By tradition and custom, probably also by regulation, the whole boundaries of his purely departmental activities were established, and could, on occasions, be invoked.[1] They were indeed in the nature of things, and were part of the accepted administrative ideas of the time. A whole section of the Ordinances of Walton in 1338 was based on the assumption that they were something clear and definite, to be easily understood.[2] Yet they scarcely find a place in the normal conception of the chancellor or his office in the fourteenth century.

The chancellor has indeed been frequently called "secretary of state for all departments";[3] but he was secretary for all departments in only a limited sense. Of mediaeval chancellors, as of mediaeval kings, the limitations of their office tended to be its most essential feature. The fourteenth-century chancellor was interested in all branches of administration, but master of very few. Many of his activities were limited to indispensable but nevertheless routine work. In others, even when he did not seek a direct authorisation from the king, he did not act alone. Constant association with other officials, especially the treasurer, in important acts such as the appointment of escheators or sheriffs is a marked feature in the activities of all chancellors under Edward III. A profound belief in the practical virtues of co-operation is as evident here as in other aspects of mediaeval activities. The chancellor shared his more important work with many colleagues: the interests of the treasurer, for instance, in administration, were almost as numerous and varied as his own. The real control of state administration, apart from the king and the household, is to be sought in the council, composed chiefly, in this case, of the leading officials of state.

Viewed as a whole it seems that the position of the chancellor in the administrative system of the fourteenth century was at once greater and less than has often been assumed. As head of the chief secretariat of the crown he was concerned with nearly all the most important acts of state: he could claim a right to a place amongst the leading advisers of the crown; he might influence if he could in no way control the general policy of the king. But he had no independent use of the great seal: he received a definite authorisation for each of his acts, and he had only a shadowy right of refusing

[1] *E.g.* by Geoffrey Cotes in 1330; see pp. 30-32 *infra*.

[2] The chancellor was to receive privy seal warrants for grants, etc. made under the great seal, "issint tutes foitz qe rien ne pass hors de la chauncellerie sanz especiale et expresse garant du prive seal salve chose que touche la ley et l'office de chaunceller tantsoulment". This was clearly something easily defined (*Foedera*, iii. 1049, 1050).

[3] Stubbs, *C.H.* i. 381; Tout, *Chapters*, i. 3.

to carry out the king's will, directly expressed. As head of an administrative office of state, his functions were normally limited to those activities which were not sufficiently important to claim the personal attention of the king; but these were still, as a whole, more important than those exercised by any other minister of state: in carrying them out the chancellor possessed a real independence and discretionary power and could on occasions exercise a profound influence over the whole administration of state.

On the whole he possessed, in the fourteeenth century, only a limited influence in political affairs. He occupied, even in administration, an office too carefully designed to be in close dependence on the crown. No longer in close personal contact with the king, his importance, at this time ultimately depended on his position in the royal council. But here he associated on the one hand with the "secretarii" who had long since intervened between him and the king's person, on the other with magnates whose political importance was still altogether greater than his own. He occupied an indispensable position on the council, but very seldom actually a commanding one. There was rather, in the early years of the reign, a distinct danger of his being relegated to an altogether inferior place. His traditional dignity was great: he occupied a formal position which was indeed an inheritance from the days when he was in theory and in fact the supreme adviser and confidential servant of the king. Yet it is to misunderstand his true position entirely to assume that by virtue of his office alone he could dominate the great political councils of the reign of Edward III.

In any case it must always be remembered—though in fact it has sometimes been ignored—that neither in politics nor administration did the fourteenth-century chancellor stand entirely alone. He was head of a great and complex office with strong traditions and well-established customs of its own. No other mediaeval office or administration indeed has been so completely overshadowed as the chancery by its official head, and is so unfamiliar to the modern historian. The very numbers of its leading clerks, pillars of respectability and solid administrative importance, so well known in their own time, have been a matter of doubt.[1] Yet they shared all the most important duties of the chancellor and supervised most of the administrative work of the office. Without some knowledge of their activities and personnel our conception of the office is

[1] There were twelve clerks of the first grade in the fourteenth-century chancery and twelve of the second. Cf. such an accurate historian as Professor J. F. Baldwin in *The King's Council* (p. 79, *n.* 2), who says, "There were two grades of chancery clerks, 'principal' and 'secondary'. Of the former the number was traditionally six, although it was sometimes not more than three or four."

at the least incomplete; as a matter of fact it seems certain that they exercised a real influence on the evolution of chancery as a whole.

In the long, secure labour of these officials, the real atmosphere of the administrative department of chancery is admirably expressed. It is the work of such men as William Burstall, whose careers, in the fragmentary state in which they now survive, make—it must be confessed—such an arid record, which lay behind the smooth functioning, such as it was, of the whole mediaeval machinery of state. "Seigneur", Burstall somewhat pathetically wrote, at the close of a long career, "se id ye servy en yecelle [the office he was resigning], a vostre plesance, il me plest sur toutes choses apres la plesance dieu, et si iay autrement, vraiment cest de negligence et noun pas de volente . . . ensy qe ieo su devenuz en si graunt age et feblesse qe ieo ne suffice de outre laborer en le dite office come mestier serroit".[1] Sober, dark-robed[2] clerics like Burstall were to be found in every aspect of administration under Edward III. Many of the intricacies of politics and administration were in their hands alone. They had a real importance in the administrative system of the time. They were under-secretaries of state, within a more limited field, in a more real sense perhaps, than the chancellor was secretary for all departments. It was to their activities indeed that the chancellor himself owed a good deal of his commanding position in administration.

A study of their personnel certainly throws added light on the position of their office in the politics of the fourteenth century. It is clear that political influences were strong in the appointment and promotion of the leading chancery clerks. The real extent of this political patronage in the office is still a problem, but it can hardly be doubted that it was very real. It was the complement, to some extent, of the political influences which affected the chancellors themselves: it shows how these penetrated into every aspect of government and of administration. And it is clear that of all the many influences which can be discerned in the office under Edward III. besides that of the king, that of the house of Lancaster and its northern allies was easily the most far-reaching and important. A more thorough understanding of the nature and extent of this may explain something of those traditions of constitutional opposition of which the chancery was, for a brief period, the chief stronghold, in the early years of Edward III., perhaps even of the history of the Lancastrians themselves, in their strange and fascinating path towards the monarchy in the fourteenth century.

[1] On September 7, 1381. See Appendix VI. *infra*.

[2] *Ordinaciones* of 12 Richard II. (Appendix VI. *infra*): "Et quod nullus de eadem Cancellaria de cetero utatur vestibus strigulatis aut manicis scissis seu aliis vestibus diversorum colorum in Curia."

It is clear in any case that the history of chancery in the fourteenth century must be a history of the office as a whole. And, viewed as a whole it is certain that this will be a history of unceasing development and change. It is from a partial study of its activities only, however indispensable this may have been, that the chancery has obtained a reputation for stability and fixity which—in the middle ages at all events—it so little deserved. It is clear and undisputed that chancery remained the great secretariat of the crown from the beginning of the middle ages to the end, and that a survey of the chancellor's use of the great seal and the documents which he issued "taken together . . . afford striking evidence of the continuity of English institutions".[1] Nevertheless it remains true also that "There is nothing in the constitutional history of England more remarkable than the development of the office of the chancellor"; [2] and even in the short space of the reign of Edward III., much more within the range of the fourteenth century, the office suffered changes and made subtle accommodations to the requirements of a changing system of administration, which are as fascinating and important as they are frequently obscure.

During the early part of the middle ages the English chancery had developed on lines closely parallel to those of the leading chanceries of the west: [3] as late as the thirteenth century it presented similar offices and lines of procedure.[4] The development of the chancery in both England and France during this period

[1] Maxwell-Lyte, *The Great Seal*, p. iii.

[2] J. F. Baldwin, *King's Council*, p. 236.

[3] For a survey of the chief chanceries of Europe, A. Giry's *Manuel de diplomatique* is still the most useful work. The early development of the papal chancery is described in R. L. Poole's *Lectures on the Papal Chancery*. The French chancery in the fourteenth century is described in detail in O. Morel's *La Grande Chancellerie royale*; whilst a discussion of some aspects of administration in England and France are discussed in T. F. Tout's *England and France in the Middle Ages and Now*.

[4] Both the *correctores* and the *scrinarius* ("qui intervenait lorsqu'il y avait lieu de recourir à des documents anciens") of the papal chancery are duplicated in the English, the latter appearing, however, only as late as the ordinances attributed to Richard II. (Giry, p. 686; *infra* Appendix VI.). The use of "mentions" or official notes and memoranda on the documents issuing from the office was common to all three chanceries. With regard to the papal chancery, M. Giry says, "les documents émanés de la chancellerie pontificale portent d'ordinaire, depuis le commencement du XIIIe siècle, sur le repli, sur les marges et au dos, des mentions et des marques contemporaines de l'époque où le document a été écrit et qui y ont certainement été ajoutées à la chancellerie même. . . . Ces notes, rares encore au début du XIIIe siècle, mais qui n'ont pas tardé à devenir plus fréquentes et à se multiplier, nous conservent la trace des diverses étapes que traversait l'expédition d'une bulle avant de parvenir à son destinataire" (Giry, p. 692). They were well established in the fourteenth century in the French and English chanceries. No study of their introduction into the English chancery has been made. Cf. my article in *J.R.L.B.* 8, No. 1.

might be summed up in the words of M. Octave Morel; "Ses hautes charges judiciaires et administratives . . . sont venues se greffer peu à peu sur la fonction primitive et essentielle de cet officier. Chargé d'expédier et de sceller les lettres royaux, d'authentiquer tous les actes de gouvernement, il devait, par ses fonctions, arriver à prendre part à l'administration de la plupart des affaires du royaume."[1] But during the fourteenth century individual lines of development became more marked, and the growth of the English chancery in particular took a more peculiar turn.

The fundamental influence on its growth after the reign of Edward I. was the continually increasing separation of the office from the crown—due in itself ultimately to the continuous elaboration of mediaeval administration—and practically all the future developments in the office, administrative and political, can be traced to this one point. On the administrative side it meant a greater definition of its duties, an ever clearer separation between these and the still unspecialised functions of the household and the council. This was one great cause of the equitable jurisdiction of the chancellor in the reign of Edward III., and if the increasing use of the privy and the signet seals for administrative affairs, due partly to the same influence, ultimately meant a diminution even of this aspect of the chancellor's work, nevertheless as yet, his administrative importance, on the whole, tended steadily to increase.

His political position was closely bound up with his functions as keeper of the seal, and the changes which occurred in this were a much more complicated affair. On the one hand it is clear that his importance as head of the chancery secretariat decreased steadily with the interpolation between him and the king both of the privy and afterwards of the secret seal. On the other it increased with the decay of the household system and the rising power of the council in the later years of Edward III. The chancellor had ceased to be normally the intimate adviser and personal servant of the king, but on this council he found an important place. His political importance came to depend on the power of the council rather than that of the king. It was established for the remainder of the middle ages by the policy of reconciliation with the baronage and government through the council adopted by Edward III. It was the weakness of the monarchy and the supremacy of the council after Edward III. which really lay behind the political importance of the chancellors for the remainder of the middle ages. With the restoration of the monarchy at the end of the fifteenth century, the more intimate advisers of the king once more became the leading ministerial politicians of the time.

[1] O. Morel, *La Grande Chancellerie royale*, p. 3.

Thus in the fourteenth century, as in every other period of its history in the middle ages, the chancery, if it was least affected of all administrative offices by recorded revolution or reform, was still subject, as were all, to unceasing development and change. It was indeed still vigorous and important in all aspects of its work. The formalism and dead routine of its secretarial work, which was to become nothing but a burden on the community when its real utility had long since disappeared, was already apparent, but it still formed part of a rational scheme of divided responsibility for the execution of the most important acts of the crown. The great seal could still be regarded as expressing the personal wishes of the king: the administrative office of the great seal was still the real centre of the administrative system of the state. Additions to the staff of the office could be called for under Richard II., "quod negocia . . . indies confluunt multo magis quam solebant".[1] The adaptability of the office was not yet exhausted: the last great development in the long course of its history was just taking place. The English chancery can indeed fairly be called one of the finest administrative achievements of the middle ages, and not the least reason for this was its remarkable accommodation at all times in its history to the changing administrative requirements of the age.

[1] The *Ordinaciones Cancellarie*. See Appendix VI. *infra*.

THE CHANCERY BEFORE EDWARD III

ADMINISTRATIVE institutions have seldom a precise beginning, and few have had a clear and definite end.[1] The office of chancery is a well-known—indeed notorious—example of this rule, and it is impossible to undertake an investigation of the office so late as the reign of Edward III. without a preliminary acquaintance with its development prior to this date. This is a necessity, if only to test the validity of assumptions that have become current with regard to the office, in the light of its history as a whole. Notable pioneer work has been accomplished in the early history of the office, by such historians as Maitland and Tout; but a general history of chancery prior to the fourteenth century has yet to be written, or even—except incidentally by Professor Tout [2]—a survey and co-ordination of the valuable work that has already appeared.

The continuity of the chancery development, for example, is an obvious fact in its history, and one recently most unreservedly endorsed by Sir Henry Maxwell-Lyte.[3] There is a tendency, however, to assume an absolute identity in the essential functions and constitution of the office over very large periods of its growth. Yet its history is full of development and change. Bishop Stubbs believed that the office of chancellor itself was abolished for some years in the thirteenth century; and more recently Professor Powicke has suggested that, for a time at least, under Richard and John, the chancellor lost the undisputed claim to have charge of the great seal, which was one of the most permanent characteristics of his office. The truth of these contentions [4] is perhaps not of great moment to a historian of the chancery in the fourteenth century; yet nothing is more certain than the vital and lasting importance of great changes like these in the history of the office, as has clearly been brought out with regard to the chancery in France.[5] It matters much whether the chancellors of Edward III. were the successors of those of Richard and John or of those of Henry III. In any case the office which they directed was still developing on lines laid down at least as early as the reign of Edward I.

[1] Cf. Maxwell-Lyte, *The Great Seal*, p. 40. In 1798 "a single Deputy was doing the work of the Office [of privy seal]. As his hours of attendance were only from ten o'clock until two, it cannot have been excessively arduous." Yet "the Deputy Paymaster of the King's Household contended that 'no retrenchments' could be made in the office".

[2] *Chapters*, i. and ii.

[3] *The Great Seal*, p. 111. Cf. *History*, vol. xii. No. 46, p. 158.

[4] See Appendix I. and Appendix II. *infra*.

[5] O. Morel, *La Grande Chancellerie royale*.

It is safe to assume that a chancellor existed in fact if not in name in both pre-Conquest England and pre-Conquest Normandy.[1] The English chancery after 1066 may therefore owe something to both these sources, though the English contribution seems to have been considerably greater than the Norman.[2] But very little is known of the eleventh century chancery. It seems to be quite clear that the chancellor was from the first "primarily and essentially the keeper of the king's seal". He was also, probably, in charge of the writing and drafting of royal letters, done by some of the royal chaplains. Professor Davis, in his *Regesta Regum Anglo-Normannorum*, gives a list of twenty-five or twenty-seven chaplains who appeared among the witnesses on charters of William I. There were sometimes as many as eight,[3] appearing on the same charter, though how many of them habitually worked under the chancellor it is impossible to say.

By the reign of Henry I. the chancellor was demonstrably head of "an organised writing office or scriptorium",[4] with a considerable number of clerks writing under him; but in spite of that, nothing but the scantiest details are known of his office. It is not until the reign of Henry II. that the situation becomes a little less obscure. Then Professor Tout's *Chapters in Mediaeval Administrative History* is supplemented by Delisle's *Recueil des Actes de Henri II*;[5] and both are based on and accompanied by fuller contemporary information, a reference for instance by Fitz-Stephen, biographer of Thomas Becket and an old chancery clerk, and a brief and puzzling, but valuable account by Richard Fitz-Nigel, treasurer, in the *Dialogus de Scaccario*.

Clearly by Henry II.'s reign, the office of chancery was already great, and was becoming complex: the office of chancellor was already important, and was rapidly becoming the most important in administration. There were fifty-two clerks in the household of

[1] T. F. Tout, *Chapters*, i. 126-8; H. W. C. Davis, *Regesta Regum Anglo-Normannorum*, pp. xi-xv; W. H. Stevenson, *E.H.R.* xi. 731-44; C. H. Haskins, *Norman Institutions*, p. 53.

[2] Examples of the advanced development of the Anglo-Saxon chancery were the use by Edward the Confessor of a seal with two faces, the concise and business-like writ charter handed down by the chancery of the Confessor to that of the Conqueror, and, perhaps, even the use of signet seals by Anglo-Saxon kings. On the other hand, Professor Haskins has decided that in Normandy "on the whole, under William, as well as his father, a chancery seems to have been lacking in fact as well as in name, before 1066". He also says, however, "the absence, save for two charters of Richard II., of any mention of a chancellor before 1066, does not preclude the existence of some sort of a chancery"; and he points out that sometimes at the court of Philip I. the chancellor attested simply as a chaplain. And, as Professor Tout has pointed out (*Chapters*, i. 126, *n.* 1), a charter printed by Haskins himself contains the phrase *Hugo cancellarius scripsit et subscripsit* (Haskins, plate 3, and p. 256, dated 1025?).

[3] Davis, *Regesta*, p. 6. [4] Tout, *Chapters*, i. 131. [5] Paris, 1919.

the chancellor at the time of Thomas Becket,[1] and though he was then Archdeacon of Canterbury, we may fairly assume that most of these were employed in the work of the chancery. Various grades and duties were already distinguished clearly among them; and their work, according to M. Delisle, betrays a high degree of organisation and efficiency. The two forms of address, for instance, found in Henry II.'s charters—*H. Rex Anglorum* and *H. Dei Gratia Rex Anglorum*—were not due simply to lack of definition in the office; but the former was used systematically before, the latter subsequent to, the year 1172.[2] There were now well-marked characteristics in the official hand of chancery letters, though not all, Delisle says, were written in the chancery office. The wording, brief and concise, followed strict official rules. The formulae *Sciatis me concessisse*, *Quare volo et precipio*, *Prohibeo etc.*, were all well established. Although M. Delisle does not find sufficient proof to warrant the assertion that under Henry II. there existed three distinct types of royal document—charter, letter patent, and letter close—he does find three kinds of letter, distinguished by their character and importance and by the methods of sealing—acts sealed with silk cords, with double queue of parchment, and with simple queue; and, according to Professor Tout, the three separate types of document were "substantially in existence early in Henry II.'s reign".[3] There is abundant evidence of definite system and established routine; the chancery of Henry II. is the result of a long and steady development; and Delisle is careful to point out the debt it owed to previous kings,[4] and to stress analogies in its organisation, with "that which was already vigorous under the predecessors of this king".

[1] *Materials*, iii. 29: "Quinquaginta duos clericos cancellarius in obsequio suo habebat, quorum plurimi in suo erant comitatu, plurimi curabant episcopatus et abbatias vacantes, aut ejus proprios honores ecclesiasticos." For a discussion of the importance of the office under Becket, see *Gesta Henrici II. et Ricardi I.*, edited by Bishop Stubbs (R.S.), Introduction, pp. lxxviii and lxxix.

[2] Delisle, *Recueil*, Introduction, pp. 16-38. Professor Haskins also emphasises the high organisation and efficiency in the chancery at this time (Haskins, *Norman Institutions*, p. 191).

[3] Delisle, *Recueil*, Introduction, p. 145; Tout, *Chapters*, i. 137. Delisle also quotes examples of the *Teste me ipso* clause used in Henry II.'s chancery. R. L. Poole has challenged his evidence (*Scottish Historical Review*, xv. 359-60); but Professor Tout declares that the question is still open (Tout, *Chapters*, i. 135, *n.* 3). See also Miss Hilda Prescott in "The Early Use of *Teste me ipso*", *E.H.R.* xxxv. 214-17.

[4] In the name of the king, Delisle says, in the address, in the general arrangement of the letter, and in particular set phrases like *nisi feceris*, *nisi feceritis*, or *ne amplius clamorem inde audiam*, the technical rules of Henry II. date back at least as early as Henry I. Of the phrase *super X libras forisfacture*, Delisle says, "mais ce sont là de reminiscences de temps passés, formules . . . à peu près oubliées dans la seconde moitié du XII^e siècle" (Delisle, *Recueil*, Introduction, pp. 159-60).

But it was in the chancellors themselves that the importance and magnitude of their office under Henry II. showed most clearly. The fame of Thomas Becket as chancellor from 1155–62 is well known, as is the fact that he left the chancery to become Archbishop of Canterbury. Geoffrey Ridel, the next head of the chancery,[1] was Archdeacon of Canterbury whilst he held office; but he became Bishop of Worcester immediately after leaving it. Ralph de Warneville, chancellor 1173–81,[2] similarly became Bishop of Lisieux on leaving office. The last chancellor, Geoffrey, illegitimate son of Henry himself, had been nominated Bishop of Lincoln in 1173; but he renounced the dignity in 1181 and became chancellor in the same year.[3] It is true that "the chancellor in those days was a person of so little official dignity that his normal ecclesiastical preferment was an archdeaconry";[4] but in spite of this, the biographer of Thomas Becket could call the chancellor *secundus a rege in regno*;[5] and the head of another department could write of him, as Richard FitzNigel did, "*Cancellarius . . . et sicut in curia sic ad scaccarium magnus est adeo vt sine ipsius consensu vel consilio nil magnum fiat vel fieri debeat.*"[6] Such evidence leaves no doubt as to his position in administration at least under Henry II.

With the opening years of the following century this period of early growth and development reached a well-marked stage. The three types of chancery document, noticed under Henry II., were "revealed in their fulness in the chancery rolls of John". It is this continuous series of chancery records that really marks the beginning of a new period. Henceforth our information about the office becomes comparatively detailed and without serious gaps. In the light of these fuller records the essential features of

[1] Delisle, *Recueil*, Introduction, pp. 93-5. He was not actually called chancellor. Professor Tout has not included Geoffrey Ridel in his list of chancellors, because he only "discharged the duties without the name of chancellor" (Tout, *Chapters*, i. 133). Bishop Stubbs regarded the date of Becket's resignation from the chancery as uncertain, and considered the office of chancellor to have been left vacant during the rest of Becket's life (*C.H.* i. pp. 499, 506).

[2] Delisle, *Recueil*, p. 102. Stubbs gives his appointment as being in 1175, the first since the resignation of Becket. He lived in Normandy, and discharged his duties by means of a vice-chancellor, Walter of Coutances (*C.H.* i. 520). Delisle gives the date of his resignation as 1182, but later seems to establish that Geoffrey, his successor, had the title in 1181 (Delisle, *Recueil*, pp. 101, 104).

[3] *Ibid.* p. 103. He called himself *Regis filius et cancellarius* in the same letter in which he announced that, on account of his youth and inexperience, he was not fit to be a bishop! He may, however, Delisle says, have been chancellor and bishop at the same time.

[4] Tout, *Chapters*, i. 133.

[5] "Vita S. Thomae", in Robertson, *Materials*, iii. 18.

[6] *Dialogus de Scacc.*, edited by Messrs. Hughes, Crump, and Johnson, pp. 70-1.

chancery, as it existed under Edward III., can already be discerned in the reign of John. By this time also the chancellor was at the height of his early dignity; and it was in John's reign that he first showed clear signs of superseding the justiciar in both dignity and power. The last chancellor of Henry II.'s reign—his son Geoffrey—had already been too eminent and too much absorbed in affairs to discharge his duties regularly in person. Richard I.'s chancellor Longchamp[1] retained his office after he had become Bishop of Ely. Hubert Walter (1199–1205) under John, combined the office of chancellor with the dignity of Archbishop of Canterbury, a thing which Becket, apparently, was unable to do.

William Longchamp's period of office is notable for another development also; for he had held the office of chancellor and that of justiciar at the same time.[2] For many years before this, the justiciar had been the outstanding administrative officer in the land.[3] But at this period he was evidently losing his commanding position. Hubert Walter, at the beginning of John's reign, chose to become chancellor, though he was Archbishop of Canterbury, and had been justiciar in the last reign. It was considered at the time that he was derogating from his dignity and making a dangerous precedent; but nevertheless it clearly marked a step in the process which terminated the long supremacy of the justiciar. The rapid growth and differentiation of administrative office during John's reign, the emergence of powerful departmental heads, and the subdivision and specialisation in the law courts, all combined to render difficult a continuation of the many-sided, unspecialised office of the justiciarship: the minority of Henry III. was to call for the last great justiciar, Hubert de Burgh; but after that the office was to dwindle almost to insignificance, and in its place, to some extent at least, was to come the chancellor of the thirteenth and fourteenth centuries. "The disappearance of the great justiciar . . . left the chancellor the head of the royal council."[4]

The importance of the chancery and the pre-eminence of the chancellors were both established facts by the beginning of the

[1] Longchamp purchased the office, on the accession of Richard I., for £3000 (Stubbs, *C.H.* i. 536). Stubbs believes the office of chancery to have been purchasable up to this time (*ibid.* i. 647, *n.* 2). In 1130 an entry in the Pipe Roll suggests that the chancellor had paid more than £3000 for his office (Tout, i. 128, *n.* 4; and cf. Foss, *Judges*, i. 82-5). And, when Longchamp bought the office from Richard, Reginald the Lombard, Bishop of Bath, is said to have offered £4000 for it. Nigel, Bishop of Ely, is said to have purchased the office of treasurer for his son for only £400. Cf. *Gesta Henrici*, edited Stubbs (R.S.), Introduction, pp. lxxviii and lxxix; Stubbs, *C.H.* i. 414.

[2] Stubbs, *C.H.* i. 536.

[3] *Ibid.* i. 299, 375.

[4] See Stubbs, *ibid.* ii. 279, 282, 288.

thirteenth century, and were to increase in the years that followed with the increasing importance of the office as the great source of 'original' writs. The office had grown from the first along lines of development common to all the chanceries of the west, and from the same essential function, the care of the royal seal. Professor Powicke has indeed suggested that under Richard and John the care of the great seal, if it was an essential duty of the chancery, became not necessarily that of the chancellor alone. "A guardian of the great seal," he has said, ". . . independent of the chancellor, was a well-known, though not permanent, official in the reigns of Richard and John."[1] But it can hardly be doubted that "the custody of the seal and the opportunity of making money by its use were already the very essence of the chancellor's position" in the reign of Henry I.,[2] and the relation between the chancellor and the seal suggested by Professor Powicke is extremely difficult to reconcile with a conception of the office as still existing for and basing its importance largely on this function alone.

Moreover, the situation under Richard and John does not perhaps bear the extreme interpretation placed upon it by Professor Powicke. It is clear that at this time the chancellor did, on occasions, delegate the care of the great seal, and in his absence the keeper was naturally obedient to the king or justiciar. But this may not mean, as Professor Powicke suggests, that "the great seal could very well do without the chancellor", in the sense that the keeper could cease to be a deputy, that he could be "independent of the chancellor", and could exist alongside yet in no way subordinate to the chancellor in office. The evidence produced by Professor Powicke to support this is perhaps insufficient to establish fully a theory so sharply contrasted with both what we know of the previous history of chancery, and what certainly was the situation in subsequent years.[3] The chancery of Richard and John was essentially—almost, we might say, only—the office of the great seal: the most striking and important of the chancellor's duties was still the care of the seal: the idea of a chancellor without the seal seems to have been as strained and unreal in the thirteenth as it was in the fourteenth century, and, despite the pretence that might be made on occasions to the contrary, it was always well understood that to deprive him of the instrument of his office was to deprive him of his office as well.

Up to this period, so far as we are aware, there was no real break in the absolute continuity of the development of chancery. But now occurred the crisis of Henry III.'s attack on the office of chancellor, and his attempt to substitute for the old type of official

[1] *E.H.R.* xxiii. 220-35.

[2] Tout, *Chapters*, i. 128, *n.* 4.

[3] See Appendix I. *infra.*

servants carefully chosen to be more amenable to his will. The main facts of the situation are hardly open to doubt. The period of Henry III.'s reign witnessed the beginning of that "long struggle between ministers dependent on the court and willing to carry out every wish of the crown, and the holders of the great offices of state". In the course of this struggle, and between 1244 and 1258, Henry appointed a series of obscure officials to hold the great seal, at the same time altering the organisation of chancery itself. He created the hanaper department of chancery, to administer the proceeds of the seal, which were now diverted from the chancellor to the king. The former was reduced to a salaried officer dependent for his income on a fee of 400 marks (later £500) a year, and at the same time he ceased normally to be appointed for life. He became "a salaried officer of limited powers and term of office" instead of "the old type of irresponsible magnate".[1] The only problem is whether Henry abolished the office of chancellor altogether during this period, whether, as Bishop Stubbs says, after Neville's death in 1244, Henry "appointed no successor for many years", or, as suggested by Miss Dibben and Professor Tout, "between 1244 and 1258 there was almost an unbroken succession of chancellors".[2]

Of these views, however, the older and more straightforward theory of Bishop Stubbs still seems to be substantially correct.[3] According to this view Henry III. destroyed, temporarily at least, the old office of chancellorship which had become so important under Richard and John, and appointed subordinate officials to keep the seal—possibly, it may be hazarded, the vice-chancellor, who seems to disappear at this period—exactly as other rulers had already done abroad. The old chancellorship had been suspended in the Papal Curia in 1216, and in France in 1227, under circumstances closely resembling those which faced Henry III. Henry's jealousy of the old office of chancellor is well expressed in his general use of the *Teste me ipso* to replace the name of the chancellor or other official on chancery writs; and in default of clear evidence to the contrary, it must be assumed that the officials he appointed after 1244 to take charge of his seal occupied a position unmistakably different from and more limited than that held by the chancellors of the period before.

The officials who held the great seal after the death of the chancellor Neville in 1244 were thus essentially a continuation of the keepers who had held it before. They were clearly different in their position from the chancellors of Richard and John.

[1] Miss L. B. Dibben, *E.H.R.* xxvii. 39-51, "Chancellor and Keeper of the Seal under Henry III."

[2] See Appendix II. *infra.*

[3] See *ibid.*

Henry chose to regard them as chancellors: he deliberately, we may assume, gave them the old title; but he so obviously treated them rather as keepers of the seal in the old sense, that for many years the chroniclers and even officials of the crown refused to support his pretence. Yet he was in reality only stripping the chancellorship of qualities that were of fairly recent growth; he was reverting to an earlier and simpler conception of the office which had existed up to the reign of Henry II. The office he maintained performed the functions and possessed the essential characteristics of the traditional office of chancellor. In the end it was reluctantly accepted as such, partly by 1253, almost completely by 1258. But perhaps this was partly because its acceptance was by now a matter only of minor importance. The control over the king himself, which the barons gained in 1258, delivered into their hands the power which the king had established over his chief officers, and reconciled them completely to a type of chancellor which they had consistently opposed since 1244. They made no attempt in their period of power to revive the " mighty chancellors " of Richard and John. It did not now concern them greatly—indeed it never had been of real interest to them—whether the official in charge of the great seal was the chancellor or merely an official filling the chancellor's place. Yet it was perhaps not unimportant in the history of chancery itself that there was, under Henry III., a complete break in some of the traditions of the office, which, with the chancellor rapidly becoming the most powerful administrative official of the crown, were no longer, as Henry III. rightly conceived, in the real interests either of the monarchy or of the country at large.

The reign of Henry III. is thus, as has been generally recognised, a critical period in the history of the mediaeval chancellor. But there are signs that it was even more important in the evolution of the chancery as a whole. The effect on the office of the great struggles between the barons and the king has obscured signs of administrative developments which had, in the long run, a greater influence on the fortunes of both chancellor and chancery than that exerted either by the barons or the king. The constitutional strife of the period limited the power of the chancellor, but it left the essential functions of the chancery untouched. These were changing at the same time, but under influences of a different kind. It is now that chancery became the great source of original writs, and the legal activities of the office began a long period of expansion and change. The reign also witnessed, in all probability, a growing use of the privy seal, one day destined to affect profoundly the position of the great seal in administration, and inevitably diminishing already the use of the great seal as the personal seal

of the king. In these comparatively obscure changes we may perhaps see the beginnings of a great modification in the position of the chancery secretariat, the first signs of a long process of separation of the chancery from the king. They represent the origins of the administrative office of chancery of the later middle ages, and, from this point of view at least, they, and not the changes in the relations between the chancellors and the king, are the most momentous developments occurring in chancery in the reign of Henry III.

It is with the reign of Edward I., however, that a new period in the history of the chancery may be said definitely to begin. The reign witnessed the real establishment of that system of controls on the issue of letters under the great seal, through various "mentions"[1] which, extended during the middle years of Edward III.'s reign, and spreading from chancery to other offices of administration, became in the later middle ages one of the most normal and important features of a royal writ. This system first emphasises for us the distinction between the chancery as a secretariat and as an office of administration. It is probable—though of this there is as yet no definite proof—that it served the same purpose for contemporaries as well. If this be the case it formed a landmark in the history of the office.

It cannot be doubted in any case that Edward I.'s reign witnessed a considerable development in the administrative functions of the chancery. Now begins to be visible the separation of chancery from the court and the household and the growth of permanent headquarters for the office at Westminster,[2] which, affecting every aspect of chancery's activities, entered into a final phase in the reign of Edward III. Such a separation must have increased the independence of some parts of chancery's work at least. It meant in fact a decrease in the importance of chancery as a secretariat; but it meant also the rise of chancery as the administrative office of the great seal. Fundamentally the administrative functions of chancery were an inevitable result of the growing complexity of administration rather than of a merely physical separation between chancery and the court. It was this which had largely been responsible for chancery becoming the great source of original writs during the reign of Henry III., acting in a capacity largely independent of the king. The reign of Edward I. witnessed a strict definition and limitation of these writs "of course", the issue of which chancery had come to regard strictly as a departmental affair. This was at once a formal recognition of, as well as a restriction of, the independent position

[1] *J.R.L.B.* viii. 1, pp. 107-40.
[2] Tout, *Chapters*, i. 212, 231; ii. 73-7.

of the office. It illustrates perhaps what occurred also in other branches of the chancellor's work, and is a striking instance of the continuity of the development of the office, through centuries of constant change. For it was this definition of original writs, combined with the growing power of precedent in the law courts, which left a continually increasing number of cases for which the ordinary courts offered no remedy, and gave rise to an ever-increasing resort to the royal prerogative which, overtaxing both the king and the council, and resulting in a growing delegation of cases to be heard by the chancellor and his colleagues alone, gave rise to the equitable jurisdiction of the chancery in the fourteenth century.

By an increasing separation from the king, by important developments in the organisation and methods of the office, and by a clearer demarcation of the two great aspects of its work, the English chancery thus entered on a new phase of its existence in the reign of Edward I. Up to this point there had been a steady development of the office along one main line—as the great secretariat of the king. As keeper of the great seal the chancellor had become the first ministerial servant of the crown. His position had not been fundamentally affected either by the vicissitudes of the reigns of Richard and John or by the limitations on the office imposed by Henry III. But with the organisation of departmental activities apart from the king began changes in the whole constitution of the office which had momentous results. The next century was to witness a revolution both in the functions of chancery itself and in its position in administration as a whole. But this only represented, in the main, the working out of principles of development already clearly apparent. This was clearly the case in the final separation of chancery from the household in 1323, with the transference of the accountability of the hanaper from the wardrobe to the exchequer, the most striking development in the office during the reign of Edward II. The reign of Edward III. was similarly a period of stabilisation and definition rather than of change. After its middle years the greatest days in the history of the chancery were past. All the lines of its later development were laid: it only remained to work them out logically, leaving new administrative experiments to less venerable and, it is feared, more enterprising departments of state. The real revolutionary change in its history had already taken place. Under Edward III. chancery was still primarily, as it always had been, the office of the great seal; but it had already become a separate administrative department as well, and all the future developments in the office really started from this point.

CHAPTER II

CHANCERY AS A SECRETARIAT

THE chancery of Edward III. reproduced the main features and activities which had characterised the office from the earliest times. It was still primarily and essentially the office of the great seal. The care of this instrument was its first and most important charge: its essential function was the solemn expression of the king's will. It possessed no other seal of its own: every act emanating from the office was issued under the one seal; and the limitations on its activities were essentially the limitations of the great seal itself.

The position of the chancery in mediaeval administration was, on the whole, substantially decided by the position of the departmental seal. It is this which provides the key to the evolution of the office through all the momentous changes of the later middle ages. The varied activities of the chancery throughout were the direct result of the unspecialised nature of the great seal; the later development of the office was, in the main, governed by the gradual separation of its seal from the king. Both the original nature of the great seal and its development contributed to play a decisive part in the history of the chancery in the fourteenth century, and were the main influences deciding its position in the administrative system of Edward III.

In the reign of Edward III. the seal of the chancery was still the most solemn and important instrument of the crown. All other seals were subordinate or supplementary to it. The exchequer seal had its limitations even in its own departmental work. On one occasion a letter under the exchequer seal was sent to be copied in the chancery, so that a letter under the great seal might be sent to Bordeaux.[1] It was feared that the exchequer seal would not be sufficiently authoritative there. A letter under the great seal might similarly reinforce a privy seal writ, as being more weighty; [2] or a

[1] Ancient Correspondence, 41/127. Examples of the great seal overriding the exchequer seal occur *C.C.R.*, 1341–43, p. 302, *C.C.R.*, 1364–68, p. 420.

[2] *C.C.R.*, 1337–39, p. 595. In 1322 Robert Baldock, keeper of the privy seal, had himself requested that a writ of great seal be substituted for a writ of privy seal, to command payment of a sum of money by the bailiffs of Worcester; but perhaps this was not because he regarded the great seal as more authoritative, but because it was a type of order usually given under the great seal (Maxwell-Lyte, *The Great Seal*, pp. 36-7). Another interesting letter is printed by Sir Henry Maxwell-Lyte (pp. 58-9), written by Nicholas Carew, keeper of the privy seal, to the chancellor, John Knyvet, between 1373 and 1377. The king wishes Knyvet, Carew writes, to send a writ to John Burley, Captain of Calais, and to other officials abroad, to seize a certain John of Iselham and send him to England. The reason for this request is " qe nul de clers du prive seal voille escrire de ceste matere pur dute de irregularite ". It does not seem necessary

letter under the griffin seal, despite the king's orders that this seal was to be regarded as authoritative,[1] might be brought to the chancery to be exemplified for greater security.[2] Each of the many royal seals had a validity of its own; but none held a position that could rival the great seal. In 1351 to counterfeit the great seal was made an act of treason.

Yet the great seal had always been limited in some respects in England, and under Edward III. its use became still more restricted in several important respects. Great franchises had always been immune from the king's writs. During Edward III.'s reign Pembroke, Chester, and Durham were mentioned as having seals of their own;[3] whilst in 1351 Henry of Lancaster was granted the title of duke, and permission to have a chancery in his county of Lancaster.[4] Most of the Marcher Lords held their land on similar terms.[5] Besides this, Ireland, Wales, and Gascony had chanceries and seals of their own.[6] But the greatest limitation in the use of the great seal in England was the extensive use of other seals by administrative departments and by the king.

The exchequer had had a separate seal for financial matters since the reign of Henry II.,[7] and only by repeated orders from the king had its use been limited to strictly departmental matters.[8] There was still some scope for friction in Edward III.'s reign. Thus, in 1341, two collectors of customs were appointed in the port of London, by a writ under the exchequer seal; but the appointment was countermanded by a writ from chancery, in which

---

to conjecture that Carew's "assistants were in holy orders, and consequently unwilling to deal with a capital offence". So were the clerks of chancery.

[1] *C.C.R.*, 1339–41, p. 25; repeated *C.C.R.*, 1341–43, p. 331.

[2] *C.P.R.*, 1345–48, p. 76.

[3] *C.P.R.*, 1348–50, p. 199; *C.P.R.*, 1350–54, p. 60; *C.C.R.*, 1333–37, p. 156; *C.C.R.*, 1343–45, p. 528.

[4] *C.P.R.*, 1350–54, p. 60. The chancellors of the County and Duchy of Lancaster are discussed by Professor J. F. Baldwin, in "The Chancery of the Duchy of Lancaster", *Bulletin of the Institute of Historical Research*, vol. iv. No. 12, pp. 129-43.

[5] *Rot. Parl.* ii. 91.

[6] Ireland had a chancery of its own, though the great seal was as valid there as in England (*C.C.R.*, 1339–41, p. 259). Wales had two seals (*C.C.R.*, 1343–46, p. 671; *C.C.R.*, 1341–43, p. 327). Berwick and Scotland also had, on occasions, separate chanceries (*C.C.R.*, 1346–48, p. 250; *C.P.R.*, 1348–50, p. 493; *C.C.R.*, 1341–43, p. 27). Gascony also possessed a seal and a chancery: in 1323 it was laid down that a Gascon chancery should be erected under a "sufficient clerk, learned in written law, as chancellor and keeper of the seal" (Tout, *Edward II.*, p. 224). Cf. "The Administrative Chancery of the Black Prince before 1362", M. Sharp, in *Essays Presented to T. F. Tout*, pp. 321-33.

[7] Tout, *Edward II.*, p. 45.

[8] *Ibid.* p. 56. Cf. *C.C.R.*, 1349–54, p. 293.

it was definitely laid down that no one was to exercise the office save by virtue of a writ under the great seal.[1] There is no trace of any serious friction, however, between the seals of the two great departments of state.

The courts of King's Bench and Common Bench had separate seals of their own after 1344. Before this, judicial writs from the two benches were sealed, like original writs, with the great seal, if that were available, except those which concerned the pleas of the exchequer: Maitland being apparently mistaken when he said that as early as the thirteenth century "the exchequer and the two benches had . . . seals of their own and could issue writs running in the king's name".[2] The judicial writs had, indeed, been issued from the chancery, and the profits had been received into the hanaper along with the income from other writs under the great seal. In 1344, however, Edward III., in farming out the issues of these writs to some of his merchant creditors, agreed to have "two seals made for the said two places"—the two benches—for sealing such writs; and there is evidence that these new seals were shortly put into use. A separate hanaper for the two benches was created, though the proceeds from this were still paid into the hanaper of chancery. The creation of these seals was the last great reduplication of the royal seal for the purposes of departmental administration before the end of the middle ages, and represented perhaps the greatest restriction on the use of the great seal in administrative work that occurred during the reign of Edward III.

Both previous to and during the reign of Edward III., however, the great seal was being steadily further restricted by a continually increasing removal from direct contact with the king. The process began at least as early as the reign of John, when we can first discern the existence of the privy seal, as a more private and personal seal of the king.[3] But besides acting as the king's personal seal the privy seal had gradually acquired a more general use, and by the reign of Edward I. was a well recognised means of authenticating almost any type of royal command. As early as the *Articuli Super Cartas*, it had been enacted that writs under the privy seal should not interfere with the course of law;[4] and similar enactments were issued by the Ordainers in 1311,[5] and by Isabella and Mortimer in 1328.[6] Under Edward III. no further orders of this sort were issued, though it is clear that writs under

[1] *C.C.R.*, 1341–43, p. 302.
[2] *History of English Law*, i. 194; *E.H.R.* xlii. 397-401.
[3] Tout, *Chapters*, i. 147, 153.
[4] *Statutes of the Realm*, i. 139.
[5] *Ibid.* pp. 165, 194.
[6] *Ibid.* p. 259.

the privy seal continued to direct the administration of law.[1] It is evident also that the use of the privy seal in other directions was being steadily extended. The files of privy seal warrants for the chancery steadily increase in bulk during Edward's reign, whilst the files of exchequer warrants contain an increasingly large proportion of privy seal writs. When Edward III., in 1338, caused a new privy seal to be made, he caused an impression of it to be sent to every sheriff in England, just as he did in the case of his new great seal.[2] At the same time the keeper of the privy seal began to take a place alongside the chancellor and treasurer, and to be recognised with them as a source of writs.[3] He was frequently in charge of the great seal as well as the privy seal on the expeditions to France; and in 1360 the French described him, at the treaty of Brétigny as "Chancelier du Roy d'Angleterre".[4]

By this time, of course, the privy seal had ceased to be the private and confidential seal of the king. The beginnings of this change can already be seen in the appearance of letters under the secret seal of Edward II., written "parce que nous navons mye nostre prive seal pres de nous a la fesant de cestes",[5] or containing a request to Baldock the chancellor that he would return to the king his privy seal which he had kept too long.[6] Similarly Edward III. wrote to his chancellor from Roxburgh on October 18, 1335, "souz nostre secre seal pur ce qe nostre prive seal nest pas par devers nous en present".[7] A good example of the origin of a privy seal writ, in the early part of Edward III.'s reign, is a request to the keeper of the privy seal from John of St. Pol, himself keeper of the rolls of chancery, in June 1340.[8] The latter had been petitioned by the hospital of St. Nicholas, Carlisle, to correct the misrule of a certain Thomas Goldington, and instead of taking the matter to the chancellor, he asked the keeper of the privy seal to issue a writ requesting the chancellor to remedy the complaint. Other indications of the changing relations of the privy seal to the king under Edward III. are the increasing numbers of royal warrants to the keeper of the privy seal that survive after the middle of the reign, and also the appearance of notes of these warrants on the writs of privy seal.[9]

[1] *C.C.R.*, 1360–64, p. 362; *C.C.R.*, 1369–74, p. 360; *C.C.R.*, 1381–85, p. 471; Ancient Correspondence, 38/206.
[2] *C.C.R.*, 1337–39, p. 408.
[3] *C.P.R.*, 1358–61, p. 253.
[4] *Foedera*, iii. 494.
[5] Chancery Warrants, I./1329. Cf. the examples given by Maxwell-Lyte, *The Great Seal*, pp. 76-7.
[6] Chancery Warrants, I./1329.
[7] *Ibid.* F./1330/17. Cf. *ibid.* F./1330/1: "Donne souz le seal monseignour Gilbert Talebot Estaunford le XV iour Daveril Lan de nostre regne second pur ce qe nous naviens mie nostre prive seal pres a la fesaunce de cestes."
[8] See Appendix VII. *infra*.
[9] Maxwell-Lyte, *The Great Seal*, pp. 76, 78.

In this way the office of privy seal tended to become, from one point of view, merely a means of approach to the great seal. Before 1350 a writer apologises to the chancellor for not approaching him through the privy seal—"les choses sont si prolixes si me fut vis, qeles ne poeynt mie bien aver este mises en arrai en lettre souz le prive seal saunz trop longge demoere".[1] In 1372 John of Gaunt could write to the keeper of the privy seal[2] asking him to address letters to the chancellor "en due fourme come appartienent et devoient estre faites en celle cas", directing the issue of letters under the great seal. Even from the earliest years of Edward's reign, moreover, there occur examples in which the king himself issued commands to the chancellor, under the secret seal, but via the office of the privy seal. Thus in 1322 Edward II. wrote to Baldock, keeper of the privy seal, ordering him to command a writ under the great seal, restoring forfeited lands to John de Bradeford.[3] The king wrote under his secret seal. Similarly, Edward III. wrote from Perth in 1336, under his secret seal, to William de la Zouche, keeper of the privy seal, ordering him to command letters of protection, under the great seal, for Thomas Grey the Elder.[4] In another case the king did not order letters to be sent to the chancellor: the keeper of the privy seal was to give letters to Geoffrey Mortimer (to whom the king had granted £100 of land), directed to the chancellor, "in due form".[5] In the later years of Edward III., it is clear, many of the privy seal warrants for the great seal must have represented only the last stage in a routine of approach to the chancellor.

The place of the privy seal as the private and confidential seal of the king was, during this process, taken by the secret, later the signet seal; and to some extent by the "Griffin" seal, used in the administration of all lands reserved to the king's chamber. "The origin of a royal Secret Seal, distinct from the Privy Seal, must be sought about the time of the transfer of the latter from the custody of the Controller of the Wardrobe into that of an independent keeper"[6] in 1312. The first extant impressions of the new seal occur in 1313.[7] Although it is doubtful if Edward III. had a secret seal during the first year or two of his reign, it was increasingly used after this, described either as the secret or the signet

[1] The letter is printed in full, *infra*, p. 79, *n.* 1. [2] *Register*, i. 41-2.

[3] Chancery Warrants, I./1329/59. This has since been printed in full by Maxwell-Lyte (*The Great Seal*, p. 76). A similar letter is dated August 31, 1323 (Chancery Warrants, I./1329/77).

[4] *Ibid.* I./1330/24; printed in full, Maxwell-Lyte (*The Great Seal*, p. 77).

[5] Chancery Warrants, I./1330/38. There is a similar one, *ibid.* 1330/39, and cf. also Ancient Correspondence, 42/178.

[6] Maxwell-Lyte, *The Great Seal*, p. 101.

[7] *Ibid*; Tout, *Edward II.*, p. 171.

seal until 1367, when the term "secre seal" appears to have dropped out of use for warrants to the chancery.[1] It was used exactly as the privy seal had been used under Edward I. and Edward II. It was extensively employed as warrant for the issue of letters under both the great and privy seals, and doubtless, as the privy seal had been, with missive force as well. In 1388 an enactment, reminiscent of the Ordainers, decreed that "lettres du signet ne de secre seal le Roi ne soient envoiez en destourbance de la ley ne en damage du roialme", though the exact meaning of these words is perhaps open to doubt.[2]

The "Griffin" seal was in use in England in 1335. It was created by Edward III. then or very shortly before. In 1338, at the time of the Ordinances of Walton, an officer of the chamber asked for a writ of privy seal to be sent to the chancellor commanding him to ratify "par une patente faite de son grant seal" all commissions, warrants, letters, and acquittances that had been made or were to be made under the griffin seal; [3] and in 1339 and at various subsequent dates, the king ordered the treasurer of the exchequer to accept letters under the griffin seal as warrants for expenditure. It is evident that this seal also was used extensively with missive force. It continued to be used intermittently until 1354, when the exchequer resumed control of the lands appropriated to the chamber.[4]

The increasing use of small seals by the king not only limited the scope of the great seal. Of far greater importance was its effect in increasing the already considerable separation between the great seal and the king. Fundamentally this was due to the incessant elaboration of the machinery of the state which was a prominent feature of all mediaeval administrative history; but its development was particularly apparent during the reign of Edward III., and its importance in relation to the chancery at this period would be difficult to overstress. It will be found to be behind most of the important developments of the office at the time, and its influence was by no means confined to administrative affairs. It modified the relations both of the chancellor and his office to administration and government as a whole; but its first and most important effect was on the position of chancery as a secretariat, from which all other developments of the functions of chancery were ultimately derived.

The position and functions of the chancery as a secretariat did indeed, in the long run, turn entirely on the changing relations

[1] Maxwell-Lyte, *The Great Seal*, pp. 103, 105, 107-8.
[2] *Ibid.* p. 116.
[3] *Ibid.* p. 110. The request is understood by Sir Henry somewhat differently from this. It may have been made with the Ordinances of Walton specially in view.
[4] *Ibid.* p. 112.

between the great seal and the king. The chancellor had been, since the beginning of his office, the keeper of the seal; but it was what this implied at each stage of his career that really determined the duties of his office. The "mighty chancellors" of Richard and John held a position vastly different, we may be sure, from the chancellors of Henry III., and these again from those of Edward III. All were at the head of the great secretariat of the crown, but this occupied a different position in each succeeding age. The chancellor of Edward III., like all his predecessors, was first and foremost keeper of the great seal of the king, but nothing could be more misleading than to suppose that his functions were therefore substantially the same as those of his predecessors under Richard I. The position of the great seal itself had been altered and all the chancellor's functions had necessarily to be accommodated to the change.

The chancellor, under Edward III., was still the personal servant and mouthpiece of the crown. He held the great seal completely at the discretion of the king. He might be called upon to deliver it up on any occasion, and for as long as the king might command. Edward III. commanded Robert Bourchier, for example, by writ of secret seal, to hand over the great seal on August 9, 1341: "Por certeines causes qe nous touchent, nous vous mandons qe tantost vewes cestes, envoiez a nous souz vostre seal, nostre grant seal le quel vous avez en garde. Et ce ne lessez. Donne souz nostre secre seal a nostre Tour de Londres le IX iour d'augst lan de nostre regne Dengleterre quinzisme et de France second." [1]

In theory the chancellor might have a traditional power, and indeed be under an obligation, to refuse to seal a document inimical to the real interests of the crown. That this had been the case during the minority of Edward III. at least, was declared by Geoffrey Cotes in 1330, petitioning against acts which Henry Burghersh, Bishop of Lincoln, had committed as chancellor during that period: [2] "Et sembla au dit Geffrei, qe tout ensi nostre Seigneur le Roi commande son Chaunceller faire chose prejudiciale a la Corone, ou contre le comune Ley; nepurqant son Chaunceller se deut aviser doit exter tiel comandement sicome ordeine feut a Westm' au Parlement et au Coronement du Roi illoeqes, Qe

[1] Chancery Warrants, I./1330/61. Thus, in 1343, after a number of writs of pardon, with warrant of the privy seal, had been recorded in the chancery rolls, an entry followed: "And be it remembered that on September 29th at Westminster, the king, having received the great seal from the keepers thereof, caused these four letters patent to be sealed in the presence of him and Thomas, Earl of Warwick, after which he delivered the seal into the custody of Robert Sadington, knight, his chancellor" (*C.P.R.*, 1343–45, p. 118). For other examples, see Maxwell-Lyte, *The Great Seal*, pp. 320, 321.

[2] *Rot. Parl.* ii. 46.

chescun Officer d'entour le Roi respondroit de son office a son peril durant le nonage de nostre Seigneur avantdit." One of the articles of accusation against Suffolk in 1386[1] was that he had sealed charters contrary to the interests of the crown and the law. And it is probable that, in theory at least, every official of the crown was bound by a similar understanding with regard to his office,[2] tacit or expressed. In France the chancellor built up on this foundation a "right of remonstrance" which by the sixteenth century enabled him effectively to oppose an act of the king.[3] But in fourteenth-century France the chancellor could not oppose the wish of the king, clearly expressed; his right of remonstrance was rather a power of supervision to provide against the interests of the crown being inadvertently ignored, rather than to oppose in any way the expressed wish of the king. There is some reason to imagine that conditions in England were similar to this. Thus in January 1312 Edward II. forced the three clerks of chancery who had charge of the great seal to affix this, in his presence, to writs in favour of Peter Gaveston, presumably against their will.[4] The dismissal of Richard le Scrope in 1382 took place, according to Walsingham at least, because he had refused to seal extravagant grants by the king.[5] In 1389 William of Wykeham, having apparently refused to sanction the sealing of certain letters, was commanded temporarily to surrender the great seal, so that the letters might be authenticated despite his opposition.[6] The chancellor was perhaps compelled by the traditions of his office to protest against, but he was quite unable successfully to withstand, what he considered to be a misuse of the instrument in his charge.

In any case the normal activities of the chancellor were entirely under the control of the king's personal seal. Not only did Edward III. forbid his chancellor, by means of his secret seal, to issue particular writs[7] under the great seal; but he issued orders

[1] *Rot. Parl.* iii. 216; Stubbs, *C.H.* ii. 498.

[2] In 1346, for instance, Edward III. instructed his justices that they should not, on account of any letters or other orders which might come from the king, omit to do right: if such orders or letters came they should not be considered any more than if they had not come at all. A proviso to the same effect was inserted in the oath of the justices (L. Ehrlich, *Proceedings against the Crown*, p. 131).

[3] O. Morel, *La Grande Chancellerie royale*, pp. 186, 191.

[4] Maxwell-Lyte, *The Great Seal*, p. 320.

[5] Walsingham, *Historia Anglicana* (R.S.), ii. 69-70.

[6] Maxwell-Lyte, *The Great Seal*, p. 130.

[7] *E.g.* Ancient Correspondence, 39/27: "Saluz et bon amour. Nous vous mandoms qe vous ne soeffrez desore nul bref issir hors de la Chauncelrie pour la deliverance de Nichol de Harwod ne Johan de Middelton qi sont enditeez de la mort nostre clerc Johan de Neusom, ne lour soeffrez nulle meinprise avoir taunque nous vous parloms de bouche sur celle materie. Donne souz nostre

by the same instrument that no letters of presentation were to be issued to livings in the lands in Holderness and the Isle of Wight recently reserved to the chamber, unless by warrant of the secret, or the griffin seal;[1] and in 1347 he peremptorily put an end, by a writ under his privy seal, to an attempt by the chancellor, John Offord, to issue such letters without the necessary warrants.[2] Offord had presented a chancery clerk to the church of Chiltern Langley in Hertfordshire, without the knowledge or desire of the king; and Edward directed that in future he was to present to no churches, chapels, or chantries in the lands reserved to the chamber; that the king alone should present to these; and that letters patent of presentation should only be issued, in future, by warrant under the griffin seal, "qe les garantz y soient directez a vous par noz lettres desouz nostre seal de Gryffon et en nulle autre manere". In a letter possibly of a later date, the king, by writ of secret seal, countermanded extensive dismissals in his household, made by the chancellor without his knowledge.[3] The chancellor, like any other administrative official, was completely subject to the royal control whether exercised in person, or in conjunction with the council, or through the intermediary of the king's personal seals.

But it is clear that in the fourteenth century this no longer suffices to define completely his position as keeper of the royal seal. If in all his acts the chancellor was entirely subject to the royal control, it is plain that for very many of them he no longer received an actual command from the crown. In separating from the person of the king he was more and more compelled, both in the thirteenth and fourteenth centuries, to take action in the absence of

---

secre seal a Noef chastel le XII iour Doctobre ian de nostre regne disme." Chancery Warrants, I./1330/72: "Porce qe nous, considerantz oevre de charite et les grantz travailx et plusours misaises qe certeinz petitz clercs de nostre chapelle ont soeffert en nostre service delez nous par grant temps dont ils ne sont encore de nulle benefice guerdonez, sumes en volence et entencion qils soient eidez et avancez solonc lour estat, devant touz autres. Vous mandoms qe de nulle benefice de nostre doun, qappartient a vostre disposicion par reson de vostre office, ne ne seoffrez nulle collacion estre seallee disore avant qe vous nous eiez du dit benefice acertez, et qe nous ent eioms dit nostre volente. Donne souz nostre secre seal a nostre park de Wyndesore le XXX iour de Mai Lan de nostre regne Dengleterre seszisme et de France tierz." Similarly, *C.C.R.*, 1354–60, p. 95; Chancery Warrants, I./1336/4354.

[1] *Ibid.* I./1336/56. See Appendix VII., dating 1335–40.

[2] Chancery Warrants, I./317/18171. See Appendix VII.

[3] Chancery Warrants, I./1336/57: "Nous avoms entenduz qe vous avez fait une commission de nostre grant seal pour enquerre sur les officers de nostre Mareschalcie, et de les remuer; de qoi nous merveilloms qe tieu chose est faite sanz scen de nous: si vous mandoms qe vous facez repeller mesme la Commission et qe touz les Ministres et officers du dit office soient garniz destre devant nostre conseil a certein temps a respoundre . . . de nous reson se puisse faire a chescun. Donne souz nostre secre seal a Westm' le tierz iour de Maii."

the king. His use of the great seal on these occasions had to be restricted and defined: a clear line had to be drawn somehow between the things he might and might not do alone. By the reign of Edward III. the problem of his care of the great seal becomes largely a problem of the restrictions in the use of the great seal which had been necessitated by his separation from the king.

This had been clearly apparent as early as the reign of Edward I. During his reign the use both of original warrants and of mentions of service—the memoranda of these warrants on the chancery writs—had been systematised; largely, we may imagine, on account of the frequent and prolonged absence of the king on his Scottish and Welsh wars; and the use of the latter, at least, had been completely transformed. "Throughout the thirteenth century the assumption had always been that a letter without mention of service had come directly from the king. That was probably why Henry III. had suppressed mentions of service, and explains why they never appeared on charters. Authorisations were, after Henry III.'s minority, and except for a few short periods in his reign, recorded only in exceptional circumstances, for solemnity or perhaps because of the king's absence. After 1293 the absence of mentions of service began to mean, on the contrary, that the letter had been issued by the chancellor, on his own responsibility, without troubling the king."[1] This is the situation substantially as it existed under Edward III.; and the use of warrants and mentions of service by the chancery at this period is clearly the first and most important source of evidence as to the conditions under which the chancellor himself normally exercised his charge of the great seal.

The mentions of service, as the memoranda on the chancery writs and on the departmental rolls have been called,[2] served, in England as in France, to provide a check for the chancellor on the writs which were brought to him to be sealed, and to provide some justification for him, if his act were questioned, in issuing the writ. It may be assumed therefore that they represent fairly accurately the authorisations actually received in chancery for the use of the great seal. Moreover they not only recorded the original written warrants which were received and preserved in the office, but they also recorded verbal warrants and commands.[3] They were, that is to say, a more complete record of the authorisations for the chancellor's actions than the files of original warrants themselves.

[1] *J.R.L.B.* viii. 1, p. 133.

[2] See my examination of these in the *J.R.L.B.* viii. 1. Maxwell-Lyte, in *The Great Seal*, gives these memoranda the name of "notes of warranty". The name I have adopted above is a translation of the well-established French name for the note. I had unfortunately made general use of it both in this work and in the *J.R.L.B.* before Sir Henry Maxwell-Lyte's book appeared.

[3] *J.R.L.B.* viii. 1, pp. 113-15.

Sir Henry Maxwell-Lyte has produced a number of striking cases when the original warrant received in chancery for the issue of a writ and the mention of service on the writ which ensued were not in accord.[1] Thus, in 1353, a minute received in chancery, made *par commun Conseil le Roi* was endorsed *Ceste bille feust livere en Chauncellerie par le Conseil le Roi*, etc., but the resulting letters patent were warranted *per ipsum Regem et Consilium.* An order for the release of two prisoners on bail in 1351, delivered to the chancellor *ex parte Consilii Regis per Johannem de Wynwick*, led to the issue of a letter with mention of warrant as *per ipsum Regem et Consilium.* As late as 1402 three warrants to the chancellor in the form of drafts for letters endorsed by the council (in two cases containing the information that they had been approved by the king) gave rise to letters with three different mentions, *per ipsum Regem et Consilium*, *per ipsum Regem*, and *per Consilium.*

It is clear that in a number of cases the mention of the warrant on a letter does not necessarily indicate the precise type of written authorisation for the letter that has been received in chancery. But a detailed examination of the mentions used in one period under Edward III. shows clearly enough that these and the written warrants were then substantially in accord.[2] It may perhaps be doubted, in spite of the exceptions to this, whether even so early as Edward II.'s reign, it can be said with regard to the use of mentions of service, that " it is evident there was, at that period, no established system ".[3] Perhaps some of these exceptions may be explained by the fact that the mention of warrant was, after all, not intended to be merely a reflection of the written document which had served in the first place to inspire a chancery writ, but of the type of authorisation the chancellor had thought necessary for his use of the great seal. The situation might be illustrated, perhaps, from a letter under the signet seal to the chancellor as late as 1444.[4] This commands that the wardship and marriage of Margaret, late daughter of the Duke of Somerset, be granted to the Earl of Suffolk, and ends " lating you wite that ye shal thereafter at suche tyme as ye comme unto our presence have suche warrant for youre discharge in this behalve *as shal be souffisant unto you and as the cas requireth* ". Such an attitude does not make the system of mentions on chancery writs meaningless: it makes it perhaps rather a supplement to than a record of the original warrants received: but it still gives it an importance and validity of its own.

The use of mentions of service in the chancery of Edward III.

[1] Maxwell-Lyte, *The Great Seal*, pp. 179-90
[2] *J.R.L.B.* viii. 1, 113.
[3] Maxwell-Lyte, *The Great Seal*, p. 183.
[4] *Ibid.* p. 121. The italics are mine.

is the real key to the general conditions under which the chancellor now made use of the great seal of the king, and an examination of these reveals clearly how far the chancery had travelled from its first position as the office of the personal seal of the crown. The result of such an examination for one year—1341—of Edward III.'s reign is perhaps worth quoting here in full: [1] it indicates not only some of the chief mentions which occurred in chancery writs, but also the broad differences which existed between the types of writ on which they occurred.

"The most important letters were those with mention of the king or the king and council. Perhaps, of these, the more solemn and formal were those 'by king and council'. They included particularly orders to important officers abroad and letters patent relating to foreign affairs, proclamations and general orders of a weighty kind to local officers at home, some important grants or concessions of privilege, and many letters summoning people to parliament or to council. The letters with mention 'by the king' were more numerous, and concerned nearly every kind of business. They particularly contained important orders to every kind of official at home and abroad, important grants, appointments, especially those of sheriffs and escheators, judicial commissions and pardons by the king's grace. The letters with mention 'by privy seal', were equally varied. They contained many appointments and grants, the latter including solemn charters, many orders to administrative officers, and pardons for crime. But they also contained, as opposed to those 'by king' and 'by king and council', great numbers of orders to the two great receivers of the subsidy of a ninth, directing the expenditure of money, and many ratifications, licenses to enfeoff or alienate land, exemptions from duties, pardons for acquiring land, and directions to escheators to restore land to heirs on the performances of homage. And on the other hand, they contained few orders to officers abroad or solemn public announcements in England, very few containing the appointments of important officers such as justices, escheators or sheriffs, and none summoning members to parliament or council. They differed from letters in the first two groups firstly in that they seldom contained solemn and public business, and secondly in that they were often concerned with the routine work of administration that could not be allowed to take up the time of either king or king and council. The last two groups of letters differed still more. They consisted of those with mention 'by the council', and those with no mention at all; and they were almost altogether concerned with routine work. Those without mention especially were exceedingly numerous."

[1] *J.R.L.B.* viii. 1, pp. 116, 117.

It is evident from this in the first place, that the bulk of the letters under the great seal were, by this time, not commanded directly by the king at all. The same separation from the king is evident here as is revealed by the growth of a routine of approach to the great seal via the more personal seals of the king. The great seal is no longer the personal seal of the king but a great state seal for public affairs. Many other mentions appear on chancery writs, besides those described above. The writs were regularly requested from the chancellor by the leading state officials to authorise their most important acts. In most of his activities in the care of the great seal the chancellor was no longer so much the secretary as the representative of the crown.

All this involved, of course, an elaborate and detailed control of the chancellor's use of the seal. An authorisation was indispensable for all writs the chancellor issued, falling outside a well-marked class, and writs might only be requested by officials within the requirements of their departmental work. An examination of the original warrants for the great seal, received from these officials, makes this latter point quite clear; in 1341, "The warrants from the treasurer were concerned only with national finance such as the collection of subsidies or customs, or the payment of wages; those from the butler were concerned only with the appointment of his deputies or the collection of his customs on wine; those from the magnates in the army with the issue of writs of protection for their followers. Other officials also, evidently provided warrants only for those letters directly concerned with the business of their office".[1] And the same sort of thing applies, under Edward III., even to the authorisation of writs by the council.

The effects of this control on the chancellor are evident most of all in the writs issued with no mention of service, for these represented substantially the work of the chancellor alone. These, under Edward III., were exceedingly numerous: in 1341 they contained writs of appointment, writs ordering and suspending payments by the crown, writs making presentations to livings and writs controlling the whole system of tenure and exchange of land, in its relations to the crown—these containing "a considerable number of the letters in the calendars of chancery rolls for 1341 and of the original letters under the great seal preserved in chancery"—writs of all kinds to local officials, and finally, writs of exemplification and *inspeximus*. But at the same time they were closely restricted and clearly issued subject to definite and precise rules. "Letters issued without mention of service were mainly concerned with the routine work of administration A

[1] *J.R.L.B.* viii. 1, pp. 112, 113.

number . . . were really only formal warrants to the sheriffs to procure the election of local officers. Letters of finance merely directed the payment of grants already due. Letters of pardon were either formal records, or were licenses that could be bought and sold: in no case did they administer the king's grace. Similarly to all local officers, even to escheators, the letters without mention of service were confined purely to administrative matters. Finally, in the work of recording, authorisations were never required except for letters of *inspeximus* and ratification which contained fresh concessions from the king. The three types of letter for which mentions apparently were least required were those concerned with justice, with questions of land tenure, and with presentation to churches below the value of 20 marks." [1]

Thus by the reign of Edward III. a complete system had been established for the employment of the great seal apart from the king. The primitive secretarial duties of the chancery had largely become a thing of the past. The whole use of the great seal had evolved into something very different from, and more complicated than, the original dependence of the chancellor and the great seal directly on the king. The steady drift in this development had been away from immediate contact with the king himself: the great seal had been replaced on the one hand by more personal seals, on the other, it had become the instrument not of the king so much as of the crown. The chancery of Edward III. was still the secretariat of the government in its widest sense. Even in England, with its multiplicity of seals, something was retained of that system which, in France, made the chancery the real secretariat of administration as a whole.[2] The great seal would always be the seal of the king; but it was also by the reign of Edward III. becoming the great seal of the modern state.

The effect of all this on the chancery itself was ultimately to transform the very nature of the office as a whole. On the one hand, the separation of the great seal from the king meant ultimately a steady diminution in the importance of chancery as a secretariat of the crown: in the long run this importance inevitably passed to the secretarial bodies from which chancery itself increasingly received its commands. On the other, it steadily increased the range and importance of those acts which the chancellor issued under the great seal in practical independence of the king. Amongst these, by the reign of Edward III., an imposing number were issued by the chancery alone; the same elaboration of government which was diminishing the chancellor's secretarial importance was still increasing the importance of his activities in administration.

[1] *J.R.L.B.* viii. 1, pp. 124-5.
[2] O. Morel, *La Grande Chancellerie royale*, p. 116.

The chancery as a secretariat was declining, but its purely departmental use of the great seal was still in a process of growth. From this time the real importance of the office was gradually but inevitably to be transferred from its secretarial to its purely departmental work. The care of the great seal was to be overshadowed by the administrative functions which had grown up out of its use. From the days of Edward I. at least, the forces have plainly been at work which were ultimately to make the idea of the chancery be that, not of the greatest secretariat but the greatest office of administration, ultimately the great court of equitable jurisdiction, of the crown.

CHANCERY AS AN OFFICE OF ADMINISTRATION

THE recognition of the chancellor's independent use of the great seal was an administrative development of supreme importance, for it was the real beginning of what may fairly be called the administrative office of chancery as a separate and important department of state. The administrative as distinct from the secretarial work of the office was that which the chancellor performed without special authorisation direct or indirect from the crown. It involved the use of the great seal not merely as the personal seal of the king, but as a seal of administration like the seal of the exchequer. It was the chancery acting no longer simply as a secretariat of the crown, but also as an office with departmental powers: as such chancery no longer used the great seal for the solemn enactments of the crown, but to express activities with which the crown was no longer immediately concerned.

Such a distinction between the two aspects of the chancery does not clearly exist in contemporary records and was no doubt, on occasions, very indistinct. The great seal was the only seal of the chancery in any capacity, and in form the chancery was simply and solely the secretariat of the crown. It is impossible to define the real share which the office took in the issue of many writs under the great seal, and it is not easy in any direction to define its actual powers. But the distinction between the two aspects of the office had existed at least in practice since the days of Edward I. It underlies much of the development which subsequently occurred, and is the real key to an understanding of the office as a whole at the time of Edward III.

In its administrative as in its secretarial work, the chancery was the office of the great seal. The administrative activities of the chancellor were based essentially on his independent use of the seal, and were indicated by the writs issued from his office without mention of service. The nature and limitations of these have become already apparent. They gave the chancellor an interest in every aspect of government, and made his department the great co-ordinating centre for administration as a whole. But they by no means completely define its activities. They were a record at the most of the acts for which he formally assumed responsibility, but do not indicate the important share which the chancellor took in the issue of some letters for which a formal authorisation was subsequently received. Moreover, many of the chancellor's activities were never recorded in the form of chancery writs, and an indication of these must be sought in incidental references in

the departmental records, or in the more informal correspondence with the chancellor himself. It is clear from these that the real position of the chancellor in administration was considerably more important than the chancery writs alone would give us to understand. By this time, indeed, the administrative duties of chancery had clearly begun to rival its work as a secretariat. The relative importance of the two great functions of the office were slowly but inevitably changing with its increasing separation from the king.

As an administrative department the chancery was first and foremost concerned with the administration of the law. The chancellor shall have privy seal warrants, the Ordinance of Walton said in 1338, " salve chose que touche la ley et l'office de chanceller tantsoulment ".[1] Among the first independent activities of the office had been the issue of original writs ' of course '. Chancery had indeed long been the only place where original writs for beginning an action in the king's courts, or an action concerning freehold in any court, could be obtained.[2] And until 1344 writs of judgment from the king's courts required the great seal or the exchequer seal as well as the seal of the justice before it could be enforced.[3] In this as in other cases the use of the exchequer seal was normally restricted to those cases which " touch the place of the said exchequer ".[4] Before and after 1344 the profits from writs of judgment, as well as from writs under the great seal, were accounted for in the hanaper of chancery.

The judges in the king's courts were appointed by letters under the great seal, though not by the chancellor alone.[5] Justices on eyre or on special commissions were not only appointed under the great seal, but on occasions by the chancellor: the writs of appointment under the great seal were very frequently without warrant; whilst requests were addressed to the chancellor both to appoint com-

[1] *Foedera*, iii. 1049.

[2] Pollock and Maitland, *History of English Law*, i. pp. 193-194.

[3] *Rot. Parl.* ii. 99, No. 6. Cf. *n.* 4 below.

[4] *C.C.R.*, 1349–54, p. 293. In 1351 Edward wrote to the treasurer in Ireland, commanding him " not to seal any judicial writs of any of the king's pleas in Ireland, except those which touch the place of the said exchequer, while the great seal is within 20 miles of the exchequer; but to permit the chancellor to have the sealing, as is customary in the chancery in England ".

[5] Holdsworth, *History of English Law*, i. 400. " The chief justices of these courts [of common law] were usually appointed by the crown; but from an early period he [the chancellor] probably had a large share in the appointment of puisne judges." Cites Spence, *Equitable Jurisdiction of Chancery*, i. 356. Spence himself probably overstresses the influence of the chancellor in these elections: the writs of appointment were almost invariably warranted by king or council.

missions,[1] and to alter their personnel.[2] In 1346 it was decreed that justices of *oyer et terminer* and justices of assize were to take the oath in chancery before they received their commissions.[3] In 1343 the commons petitioned that itinerant justices should be paid adequate wages, and the king answered that these should be fixed by the chancellor and treasurer.[4] The appointment of keepers of the peace was also made under the great seal, chiefly by the chancellor and treasurer in conjunction with the knights of the counties.[5] It is clear that the chancellor played an important part in the process. Edmund of Kent, writing to the chancellor, added as a postscript to his letter, "Et veullez fair ordiner guardeyn de la pees en Sussex monseigneur Rauf de Camoys et monseigneur Nicholus Gentil pour lamour de nous".[6] John Grandison, Bishop of Exeter, wrote to John Stratford the chancellor, saying:[7] "Reverende pater et domine dicitur quod dominus Nicholus Dauvey miles inter ceteros assignatus est in Comitatu Devonie pro custodia pacis, qui nec pacis auctor nec amator creditur nec erat notoratus per patriam, quare expedit, ut credo, quod alius ipsius nomine subrogetur. Per vestrum J. Exoniam." Whilst later a letter from the Duke of Lancaster to the chancellor[8] ran, "It is shown to us by persons whom we deem worthy of credence, that the present guardians of the peace are not as intendent on their work as they ought to be. Will you assign Richard Houghton, Richard de Kygheleigh, and John de Lancaster, to keep the peace there."

In addition to this the chancery was a separate law court, with a jurisdiction of its own. The foundation of all the common law justice that was exercised in chancery may have been the practice of issuing original writs; but in any case the chancellor's position from the earliest times at the centre of all administration made it inevitable that his office should share in the task which the exchequer also was called in to perform.[9] The separate court of law in chancery, which was the outcome of these circumstances, was evident in the reign of Edward II., and flourishing under

[1] John of Gaunt, for example, wrote to the chancellor on August 17, 1376, asking him to appoint a commission to inquire into the stoppage of sewers in Crulle (Crowle), Lincolnshire (*John of Gaunt's Register*, ii. 352).

[2] John le Chamberlain wrote to Sadington saying all except himself of those who had been appointed on a judicial commission were incapacitated for some reason or other, and he was unable to continue alone. He requested the chancery to replace those who could not attend and to make writs of excuse for them (Ancient Correspondence, 39/170).

[3] *Statutes of the Realm*, i. 304.

[4] *Rot. Parl.* ii. 141.

[5] *Rot. Parl.* ii. 257, 286.

[6] Ancient Correspondence, 38/197.

[7] *Ibid.* 39/9. Cf. Maxwell-Lyte, *The Great Seal*, p. 222.

[8] Ancient Correspondence, 41/50.

[9] Cf. Tout, *Chapters*, i. pp. 16, 17.

Edward III.,[1] but though by that time the chancellor was hearing a considerable number of different pleas, this branch of his work was never extended far. Nor, though it is possible that pleas such as *scire facias*, or of recognisances were later incorporated in the equitable jurisdiction of chancery, or even formed part of it from the beginning,[2] is it probable that the Common Law jurisdiction of chancery provided the basis on which the chancellor later built up the great system of equity in chancery.

Closely attached to this work was the function of chancery in the administration of parliamentary affairs. Parliament in one aspect was a court of law, and it was with this aspect of its activities, at least in the fourteenth century, that chancery was chiefly concerned. It was this, indeed, which contributed to the evolution of equity in chancery, though both activities of the office were due ultimately to its nature as the administrative office of the great seal.

In the parliament the duties of chancery were much more important than those of any other office of administration. The chancellor himself did not get a summons to attend parliament: he attended in virtue of his office; and since he issued the writs to attend, he needed no reminder, a fact which the writer of the *Tract of Maisters in Chancerie*, at the end of the sixteenth century, explained with evident satisfaction to the degenerate clerks of his day.[3] Moreover, also in virtue of his office, he sat "at the king's right foot"[4] and expressed the wishes of the king at the opening of parliament. This was not the invariable rule, however; from 1350–62 the chief justice generally performed that duty;[5] but from that time to the end of the reign it was again performed by the chancellor. The chancellor might also adjourn parliament or

[1] Maitland, *Equity*, pp. 2, 3; *C.P.R.*, 1330–34, p. 530; *Statutes of the Realm*, i. 282. In 1327, when Thomas of Lancaster's condemnation was revoked, this was done on the grounds that Thomas had been condemned without process of law, "although during all that time the chancery and other places (*placee*) of the King's court were open" (*C.C.R.*, 1327–30, p. 106).

[2] G. Spence, *Equitable Jurisdiction of the Court of Chancery*, pp. 336, 337; L. O. Pike, *Year Book* 12-13 *Edward III.*, p. cv. In the *Constitutional History of the House of Lords* (pp. 295, 296) Pike also regarded the issue of writs by chancery as being "more closely associated with equitable than with common law jurisdiction".

[3] *Maisters of Chancery*, pp. 308-9; L. O. Pike, *Constitutional History of the House of Lords*, p. 353.

[4] *Modus Tenendi Parliamentum*, p. 504 (Stubbs' *S.C.*).

[5] *Ibid.* p. 503; Stubbs, *C.H.* iii. 469, 473. In 1331, 1332, and 1339 John Stratford expressed the king's wishes (*Rot. Parl.* ii. 60, 64, 66, 103). In 1353, 1354, 1355, and 1362 this was done by the chief justice (*Rot. Parl* ii. 246, 254, 264, 268). In 1363, 1364–65, 1366, 1369, 1371, 1372, 1373, 1376, and 1376–77 it was performed by the chancellor again (*Rot. Parl.* ii. 280, 285, 290, 299, 301, 303, 309, 316, 321, 361).

thank parliament in the king's name for a grant.[1] Either as a member of the council or alone, he heard many of the petitions that were handed in at each parliament; and the receivers of petitions in parliament, in Edward's reign, were invariably chancery clerks. The clerk of parliament was also provided by the same office. And writs of summons to parliament were, of course, sent under the great seal. Parliament was essentially the concern of the chancery, and it was inevitable that in the long run this should be the case, for the office of the great seal in the early fourteenth century was the only one which was really suitable for its needs. But in the actual deliberations of parliament all the more important administrative officials were entitled to take a part.

The third important administrative task especially belonging to chancery was the exercise of some of the minor powers of the crown in relation to the church. The chancellor disposed of all the royal patronage in the king's gift whose taxable value was less than twenty marks.[2] He had a well-acknowledged right to this, but that did not prevent the king from interfering as often and in any way he thought fit. He might even, on occasions, withdraw the right completely. If on the one hand he wrote asking the chancellor with regard to a living, "a vostre doneson en nostre droit par cause de vostre office a ce qe nous avons entenduz, veullez presenter nostre bien ame Reynald Manywort en oevre de charite et pur amour de nous",[3] not all the king's requests were couched in similar terms. In 1342, for instance, he wrote to the chancellor[4] saying that he wished to promote the clerks of his chapel, who "ont soeffert en nostre service delez nous par grant temps dont ils ne sont encore de nulle benefice guerdonez": accordingly he ordered, "vous mandoms qe de nulle benefice de nostre doun qappartient a vostre disposicion par reson de vostre office ne ne seoffrez nulle collacion estre seallee desore avant qe vous nous

[1] *Rot. Parl.* ii. 316. In 1315 the chancellor had received and examined the excuses of the proctors of those nobles who were absent. The treasurer and a justice were associated with him (*Rot. Parl.* i. 350).

[2] *Rot. Parl.* ii. 41; *J.R.L.B.* viii. 1, p. 121. Cf. *C.P.R.*, 1340–43, p. 527. On October 5, 1342, the king granted "Power to the king's son Edward . . . keeper of the realm in the king's absence, to grant licenses to elect, to give the royal assent to elections, to take the fealty of those elected and to restore temporalities, but not in the case of the greater prelates until the king has been consulted, and reserving all homages due until his return; also to present to void benefices in the king's gift of the value of not less than 20 marks or more than 40 marks yearly, reserving those of more than 40 marks to the king, and those of less than 20 marks to the chancellor". It is interesting to find a distinction between benefices of more than forty marks and those less, as well as between those greater and less than twenty marks. I am indebted for this reference to Professor Tout.

[3] Chancery Warrants, I./908/17.

[4] Chancery Warrants, Various, I./1330/72.

eiez du dit benefice acertez et que nous ent eioms dit nostre volente", etc. In 1347, moreover, Edward summarily commanded the chancellor, John Offord, to abstain from all presentations to churches on lands reserved to the king's chamber, unless by warrant of the griffin seal:[1] "Come le patronage de leglise de Childre Langele appent a nous par cause du manoir de la dite ville esteante en nostre main et reservez a nostre Chambre, et vous avez fait presentez a telle eglise . . . encleyment le apparteigner a vous a presenter par cause de vostre office et navez voluz accepter nostre clerc . . . de quoi nous nous tenons a malpaiez, et volons qe desore enavant qe les eglises Chapels . . . apportenantz as Chastelz . . . terres . . . reservez a nostre dite Chambre de quecunque taxe quelles soient . . . soient presentez par nous meismes", etc. It is clear that in this, as in other matters, the chancellor might take his stand by the rights and duties of his office, but he could not for a moment directly resist the king. And as a matter of fact it was fairly common for the king to nominate his clerks to the next vacant benefice that occurred, without always stipulating that it should be above the value of twenty marks.

The livings to which the chancellor presented were not solely intended for the use of chancery clerks. In 1330 they were limited to the use of clerks of the chancery of the exchequer and of the two benches. The exercise of the patronage had, indeed, been so entirely at the disposal of the last chancellor, Henry Burghersh, Bishop of Lincoln, that he had lavished the livings at his disposal on his own household, to the exclusion even of his chancery clerks.[2]

Besides this, the general administration of ecclesiastical affairs on the part of the crown—appointments, disposal of temporalities, even exchange of benefices—was effected through the medium of the great seal. The chancellor moreover had the duty of visiting the king's hospitals and free chapels,[3] a duty frequently undertaken by chancery clerks. In 1359 it was laid down that "the visitation and disposition of all chapels and hospitals of the king's patronage in England pertain to the chancellor of England and to no other minister".[4]

A good example of the influence of the chancellor in ecclesi-

[1] Chancery Warrants, I./317/18171. See Appendix VII. *infra.*

[2] *Rot. Parl.* ii. 41.

[3] *Ibid.* i. 381; *C.C.R.*, 1364–68, p. 100.

[4] *C.C.R.*, 1354–60, p. 556. In June 1340, however, we find John of St. Pol, keeper of the rolls of chancery, writing to the keeper of the privy seal and requesting him to issue letters under the privy seal to the chancellor, to request the latter to inquire into the state of the king's hospital of St. Nicholas, Carlisle, and to appoint a new keeper if necessary (Ancient Correspondence, 39/88).

astical affairs is provided by a petition presented in parliament by Geoffrey Cotes against actions of Henry Burghersh, Bishop of Lincoln, whilst chancellor.[1] Cotes was possibly in the service of the political enemies of the chancellor during the minority.[2] After the rebellion of 1330 he presented a petition in parliament, saying that Burghersh had prevented him from obtaining possession of the church of Fishlake—valued at £40, and therefore not one of the chancellor's livings[3]—to which he had been presented. The chancellor had, according to Cotes, (*a*) repealed a judgment of the king's courts in favour of Cotes; (*b*) granted permission to Peter Vaurelli, who had been provided to the living by the Pope, to prosecute his suit in ecclesiastical courts, in spite of royal prohibitions against this; (*c*) altered an endorsement by the council on a petition presented by Cotes in parliament, and rendered the petition valueless; (*d*) superseded a further legal process which Cotes was taking against his rival; (*e*) called the case to chancery and adjourned it "in absence of the parties", although Cotes had appeared; (*f*) refused to give Cotes a further chance to prosecute his case in the same court; (*g*) and finally commanded him—after he had been summoned by writ of privy seal to appear before the king—"de par le Roi", to resign the church; which Cotes did, through fear of injury.

All this Cotes set forth in the petition of 1330. The truth of part of this is established by the records. Letters of presentation to the church of Fishlake were issued to Cotes on June 6, 1327, by warrant of privy seal.[4] On January 25, 1328, letters were issued prohibiting all proceedings against the king's right of presentation; [5] and on January 26 orders were issued to arrest Peter Vaurelli and all others proceeding in derogation of the king's right.[6] The prohibitions were repeated in the following March.[7] These letters were without mention of any authorisation. But on August 25 in the same year (1328) Peter Vaurelli was given licence to prosecute his claims (by papal provision), "notwithstanding prohibitions to the contrary"; [8] whilst in November orders were issued to supersede the imprisonment of Peter Vaurelli.[9] Of these two letters the former was issued by warrant of privy seal, the latter by warrant of the king.

It is clear that Cotes had been completely installed when he was ousted by Peter Vaurelli. In reply to his petition of 1330 the whole process was examined by the council: he had to resign his claim on Fishlake, but was compensated by receiving the first

[1] *Rot. Parl.* ii. 45.
[2] *C.C.R.*, 1330–33, p. 517.
[3] *Taxatio Ecclesiastica P. Nicholai*, 299 *b*.
[4] *C.P.R.*, 1327–30, p. 123.
[5] *Ibid.* p. 228.
[6] *Ibid.* p. 228.
[7] *Ibid.* p. 252.
[8] *Ibid.* p. 315.
[9] *Ibid.* p. 334.

vacant living of equal value which he would accept.[1] The chancellor, therefore, we may assume, had been substantially in the wrong. Cotes suggested that he had been courting the favour of Rome with an ambition to become the Archbishop of Canterbury. Burghersh had thought fit to obtain authorisation for some of his acts against Cotes, partly, perhaps, because the church of Fishlake was taxed at more than twenty marks.[2] He had exerted an undue influence on the office of privy seal for this purpose, according to the latter. But it is not necessary to assume that this was the case. The point was, probably, that his great discretionary power in the administration of ecclesiastical affairs made it easy for him to obtain confirmation of his acts. It was great enough—except for the accident of a political revolution—to render easy even an act of injustice such as this.[3]

Besides performing these special administrative duties, the chancery participated, as the chancery writs make clear, in the work of all the important officials of state. In this work the chancery co-ordinated closely with the exchequer—to an increasing extent also with the office of privy seal—and with the household. The increasing use of the smaller seals by the king was reflected even here, in the long run, by a diminution in the employment of the great seal. But, for the reign of Edward III., the great seal was the great instrument of administration as it was for government as a whole, and the chancellor was still the great representative of the crown in administrative affairs.

The office of escheator was the one most exclusively dependent on the chancery. Chancery was the great depository for records relevant to the escheator's work. Thus the great files of inquests *Post Mortem*, preserved in the office, recorded all the chief changes that took place in the holding of land throughout the country. Very many of the activities of the escheator were controlled by writs under the great seal. In the Fine Rolls, for example, are recorded innumerable orders to escheators to take into the king's hands the lands of tenants in chief recently deceased; in the Close and Fine Rolls, orders to hand the lands over to the rightful heirs. All these writs were usually issued without mention of service, as were the writs for inquisitions of *Ad Quod Damnum*, and *Post Mortem*. Similarly orders to escheators to restore land wrongly seized, or to cease from "intermeddling" further with land, were issued without

[1] *C.P.R.*, 1330–34, p. 152. [2] *Ibid.* It was taxed at £40.

[3] Cf. a petition presented in parliament, probably early in Edward III.'s reign, that the king had presented a chapel to Thomas Constable, but Bernard de Brocas "dona si riche dounz a Sir Roberd Baldok Chaunceler et Sire Waltier de Stapelton Tresorer si la que la volunte nostre Seigneur le Roy fust tout chaunge", etc. (*Rot. Parl.* ii. 378).

mention of service, though in some cases an examination by the king and council was mentioned in the letter.[1] The escheators looked to chancery for direction during their work [2] and might there face a dispute over the legality of their actions.[3] But they answered for all the financial side of their work in the exchequer; [4] and though their commissions were issued from the chancery, they were chosen, for the greater part of Edward's reign, by the chancellor, treasurer, exchequer officials, and judges, at the exchequer.[5]

The sheriff's office was closely dependent both on the exchequer and the chancery. Like the escheator, the sheriff received his commission under the great seal, and he swore his oath of office in the chancery.[6] The appointment of sheriffs had been committed to the chancellor and treasurer in 1316; [7] and this method of election continued throughout the reign of Edward III., except for the period 1338–40, when they were elected in the county courts.[8]

It is usually assumed that in fact the appointments chiefly came from the exchequer.[9] In 1334, however, in reply to a petition that sheriffs should only continue one year in office, the king replied, "The Statutes therefore made shall stand, and the Chancellor and others who are appointed to make choice of Sheriffs shall name able men, etc." [10] A decree of 1340 provided for the election to be made by the chancellor, treasurer, chief baron of the exchequer, and justices.[11] There is apparently nothing to justify the assumption of Bishop Stubbs, that this left the appointment, "as prescribed by the Ordinances [of 1311], in the hands of the officers of the Exchequer".[12] The situation at the time of the ordinances may be gathered from Professor Tout's contention that "most certainly it is a misreading of history to assert that the transference to the Chancery of the nomination of sheriffs required by the Ordinances

[1] *C.C.R.*, 1364–68, p. 17; *C.C.R.*, 1369–74, p. 410.

[2] Thus the escheator in Gloucestershire was taking a castle into the king's hands when the deputy keeper of the forest of Dean prevented him: he accordingly wrote to the chancellor for instructions (Cal. of Inq. of *P.M.* ix. 402. Cf. *C.C.R.*, 1339–41, p. 304).

[3] *Statutes of the Realm*, pp. 285, 368. A statute of 1360–61 made it possible, in some cases, to traverse in chancery inquisitions made by escheators: this was extended in 1362 (Ehrlich, L. E., *Proceedings against the Crown*, 1216–1377, pp. 176, 177, 178).

[4] *Statutes of the Realm*, p. 345. [5] *Ibid.* p. 283.

[6] Ancient Correspondence, 40/43. The Ordinances of 1311 had commanded that sheriffs be appointed by writs of great seal. Professor Tout has suggested that the alternative was rather the exchequer than the privy seal (T. F. Tout, *Chapters*, ii. 284, 285).

[7] *Statutes of the Realm*, i. 174, 175.

[8] *Foedera*, ii. 1049, 1090; *Statutes of the Realm*, i. 283.

[9] Stubbs, *C.H.* ii. 216-8; Davies, *Baronial Opposition*, p. 526.

[10] *Rot. Parl.* ii. 376.

[11] *Statutes of the Realm*, i. 281. [12] Stubbs, *C.H.* ii. 218, 401.

of 1311, by the parliament of Lincoln of 1316, and by the establishments of York of 1322, was in any wise the culminating issue of this hypothetical struggle" [between the chancery and the exchequer][1] Whilst Bishop Stubbs seems to be as little justified in stating that later, in 1376, the commons "ask that the sheriffs may be annually elected and not appointed at the Exchequer".[2] The actual wording of their petition on this occasion was: "Et en mesme le manere soient les Viscontz des Countees du Roialme d'an en an esluz, et nemye faitz par brocage en la Courte du Roi."[3] Thirteen years later it was regarded as noteworthy that Richard II. "cum consilio suo privato eligit sibi vicecomites per Angliam universaliter . . . qui solebant antea per cancellarium, thesaurarium, clericum privati [sigilli] et per barones de scaccario praefici et ordinari. Unde de isto facto plures in curia admirabant."[4]

It was to the treasurer and barons of the exchequer that the Earl of Warwick wrote towards the end of Edward III.'s reign, but only to nominate Jankyn Aleyn as sub-sheriff of Worcestershire,[5] he himself being hereditary sheriff. We find the treasurer himself writing to the chancellor:[6] "Sire nostre seigneur le Roy voet qe W. Croiser aore viscont de Bed' et Buk' soit descharge de son office et Johan Chastillon qest hom covenable et de Cent livre de terre deinz meismes les Countez soit mis en mesme loffice par qoi voillez faire brief a lui qil accepte sa Comission quelle lui vuillez envoier par le dit William et lui vuillez charger par le dit brief qil soit (*sic*) devant vous a Westm' le samady proschein apres la Seint Johan pour faire son serement." We also find Thomas Berkeley writing to John Knyvet the chancellor in 1374, to say that John Berkeley was

[1] Tout, *Edward II.*, p. 183.
[2] Stubbs, *C.H.* ii. 453.
[3] *Rot. Parl.* ii. 355.
[4] *Polychronicon*, ix. 217.

[5] Ancient Correspondence, 41/170. The bill reads, "Honnoures Sires et mes tres chers amys, voillez savoir qe iai ordeignez et assignez mon bien amez Jankyn Aleyn dyestre mon sautz viscont en le Countee de Wyrcestre pour le temps comme y me plerra. Sur quoi ieo vous pri cherment qe vous lui voillez accepter et bon amyte a lui monstrer touchant soun office come ieo maffie de vous. Et si riens voillez devers moi qe faire pourra a plesance de vous me vullez certifier et ieo le perfourneraz de tresliez coer a mon poair. Honnoures Sires et mes tres chers amys, Lui seint Esperit vous mentiegne en honnour et sanitte a treslongue durree. Escript a Sallewarp le XX iour de Novembr'." There was a John Aleyn, sub-sheriff of Worcester in 1372 (*P.R.O. Lists and Indexes* ix). He was a knight of the shire for Worcestershire in 1371, (*C.C.R.*, 1369–74, p. 289).

[6] Ancient Correspondence, 40/43. John Chastillon was appointed sheriff of Bedfordshire and Buckinghamshire on November 2, 1350 (no warrant); but William Croiser had already been superseded in the office on June 13, 1349, by Thomas de Frembaud (*C.F.R.* vi. 262, 170). On June 22, 1349, however, John Chastillon had been appointed to the office in succession to Croiser; but the appointment did not take effect. The letter had been issued from chancery "by king on the information of the treasurer" (*ibid.* p. 129).

indispensable to him in a projected expedition overseas, and asking Knyvet to discharge Berkeley from the post of sheriff of Warwickshire and Leicestershire, and fill his place with another,[1] William Breton his successor being appointed on October 4, 1375, "by C";[2] whilst the elections which took place between 1338–40, or at other times by virtue of special privileges, seem to have been under the direction of the chancery, at least as much as of the exchequer.[3]

The sheriffs accounted to the exchequer for their office, and they took orders under either chancery, exchequer, or privy seals, and even under the seals of the justices.[4] But after 1326 at least,[5] writs of great seal were very frequently obtained by them as warrants even for the payment of money; and many of their activities were directed by letters under the great seal, with no mention of authority for issue.[6]

With regard to less important offices, the spheres of chancery and exchequer were again greatly confused. Financial officers

[1] Ancient Correspondence, 40/191.

[2] Berkeley was appointed on December 12, 1374 (*C.F.R.* viii. 272). Breton's appointment was (recorded *ibid.* p. 296) by C.

[3] Edward wrote from Antwerp on November 3, 1338, to the chancellor R. Bintworth, Bishop of London, saying: "We hear that in the last council you held at Northampton, you and others of our council decreed that in future all sheriffs must be elected by the people of the counties where they were sheriffs. But we do not wish Roger de la Zousch to be discharged from the shrievalty of Leicestershire and Warwickshire on account of that. Given under the privy seal, 3 November 1338." And he wrote similarly with regard to Thomas Wake of Blisworth (Chancery Warrants of Privy Seal, 1 1153.) In 1374 we get an example of the election of a sheriff for Bristol (Ancient Correspondence, 40/192. See Appendix VII.). Three names are sent to chancery "ut de ipsis tribus personis per ipsum dominum nostrum Regem aut consilium suum unus in vicecomitem Bristollie eligatur et per litteras eiusdem domini nostri Regis patentes . . . proficiatur".

[4] Davies, *Baronial Opposition*, pp. 239, 240, 526; *Statutes of the Realm*, i. 197; *Rot. Parl.* ii. 99, 229. In theory writs of judgment from the two benches had to receive the great seal or exchequer seal before they became valid, until 1344.

[5] Tout, *Edward II.*, p. 202. In 1326, "Some relief to the accounting officers was provided by the exchequer recognising writs of great or privy seal, addressed to those functionaries, by virtue of which they had made payments from their revenues. Up to now such ministers had been put to the trouble and expense of obtaining a special mandate to the exchequer under great or privy seal, directing it to make the allowances aforesaid."

[6] *E.g.* the regularly recurring orders to cause the elections of coroners and verderers of the forests, to make inquisitions, and to make payments, without mention of service. It is interesting in this connection to observe a writ to the chancellor dated December 22, 1338, Antwerp, to the effect that the king had ordered the treasurer to order the sheriff of Stafford to pay a debt from the king to Thomas Swynernton, of £180: the sheriff had not yet done so; would the chancellor order the treasurer and barons to command the sheriff expressly to pay? The king neither writes to the treasurer nor the sheriff direct, nor does he command the chancellor to reinforce the treasurer's previous order by a writ under the great seal (Chancery Warrants, I./249/11395).

such as collectors of subsidies, and of customs, officers of tronage of wool, officers keeping the seal for the recognisance of debts, and bailiffs of manors, though closely connected with the exchequer, held their commissions under the great seal.[1] When collectors of customs and "controllers of men" were chosen in 1338 and 1341 by the people of the district, they took their oath and received their commissions in the chancery.[2] In the case of Newcastle there remains a letter from the mayor, etc., to the chancellor, containing the names of the collector of the customs and the counterroller elected in this way.[3] During the same period, in December 1338, the collector of customs at Kingston in Hull was chosen by the king himself, and Edward wrote to the chancellor from Antwerp, commanding letters of appointment to be issued.[4] This appointment of collectors of the customs under the great seal was regarded as of some importance by the chancery. In 1341 two collectors of customs for the port of London were appointed under the exchequer seal; but the order was countermanded by a writ from chancery, which declared that nobody was to exercise the office save by appointment under the great seal.[5]

The chancellor also took a share in their actual appointment or discharge. At the very end of Edward II.'s reign, a certain William Preston had been discharged from the office at Boston, by the chancellor with the authorisation of the council.[6] In 1340 Edward promised that "if any of the customers are contrary to the [German] merchants, they shall be removed from their office: and others put in their place by the chancellor and treasurer".[7] In 1343 the merchants petitioned in the parliament that good and sufficient "customers" should be chosen by the chancellor and treasurer as is wont.[8] Whilst in 1365 Richard Chesterfield, treasurer's deputy in the receipt of the exchequer, was charged (among other things) with the fact that "great numbers of the Customers of England, by whose hands a great part of the king's treasure is received . . were removed and appointed by the said

[1] Davies, *Baronial Opposition*, p. 125; *C.P.R.*, 1341–43, pp. 127, 136, 137, 150, and *passim*; *C.F.R.*, v. pp. 201, 204, 205, 207, 208, and *passim*; Chancery Warrants, I./317/18108 (nominating keepers of the seal for the recognisance of debts).

[2] *C.C.R.*, 1337–39, p. 501; *C.C.R.*, 1339–41, pp. 34, 663; *C.F.R.*, v. 105.

[3] The letter ordering the election is enrolled in the *C.P.R.*, 1337–39, p. 501, "by K"; the letter forwarding the names of those elected to the chancery is in Ancient Correspondence, 39/82. The appointment is in the *C.F.R.* v. 105, "by C".

[4] Chancery Warrants, I./250/11406. The appointment is recorded *C.F.R.* v. 113, 1338, December 16, by privy seal.

[5] *C.C.R.*, 1341–43, p. 302; 1341, November 10.

[6] *C.P.R.*, 1324–27, pp. 18, 24.

[7] *C.C.R.*, 1339–41, p. 484.

[8] *Rot. Parl.* ii. 143.

Richard, and by his procurement with the treasurer and others of the council". . . . "To this Richard says that Customers . . . were never by him removed or made, but by the king and all his council; and this was by the Council witnessed before those appointed."[1] Finally, complaints against their actions might apparently be sent into the chancery.[2]

Similar evidence is available with regard to other financial officers of the crown.[3] Two letters[4] survive, both probably from 1347, one from the Countess of Norfolk and the other from Thomas Wake of Lyddel, asking the chancellor to discharge local collectors of an aid who were unable to fill the office, having been wounded in the war. Thomas Brembre also wrote to the chancellor, saying that the bearer of the letter was the man "pour qi monseigneur le Tresorer et moi parlasmes a vous destre descharge

[1] *C.C.R.*, 1364–68, p. 118.

[2] Ancient Correspondence, 40/83. "A sire David Wollore monstrent Roberd de York et William Boteler simple marchantz de Lewes, qe come ils eient custumes XVIII sarplers et IIII. sackes des leynes et IIII. bondels de pels launz a Cicestre en le Counte de Sussex, et mesmes eux ount mys en deux peti vesseles en la havene de Delle pour avoir passe en Fflaundres sour quei par un brief nostre seigneur le Roi les custumers de Cicestre susdit ount . . . defendu lour passage a grant damage de eux et lours dit . . . la point de perir. Sour quei les ditz marchauntz supplient a vostre tres graciouse seignourie en eovre de charite, granter et faire brief as ditz custumers qils puissent perfourner lour dite viage."

[3] Ancient Correspondence, 41/14: "Tres honourable seignour et tres reverent piere en dieu Purce qe loffice de peisage en la ville du Bristuit est voide en preiudice du Roi et graunt damage de la poeple, et voz voluntez sount destre certifie par nous custumers nostre seignour le Roi el port de Bristuit qi soit mientz suffisaunt en la dite ville destre pesager des leyns et davoir du poys de faire soun office come appartient a la ley en dreitourel fourme. Tressage Seignour vous certifioms par ycestes noz lettres qe nostre cher veisine William Bukton est bon loial et suffisaunt de faire le dit office loialment et covenablement pour le profit du Roi et loialte des marchauntz. A qui pleise de vostre tres graciouse seignourie graunter les lettres patentes du Roi del dit office eiaunt regard au graunt meschief qe pourra avenir du voidaunce de cel office. Tres honourable Seignour lui seint esprit vous dount bone vie et longe. Escript a Bristuit le quintesme iour de Martz. Les voz si vous plest Wauter Ffrompton et Johan Cobyndon Custumers de Bristuit." John de Cobydon and Walter de Frompton were together appointed collectors of customs in Bristol on November 4, 1354 (*C.F.R.* vi. 391). William Bukton was a deputy controller of customs in Bristol in 1357 (*C.P.R.*, 1354–58, p. 525). A William Button, obviously the same person, was appointed to the office of pesage of wool, on May 24, 1359, "By bill of the treasurer" (*C.P.R.*, 1358–61, p. 211).

[4] Ancient Correspondence, 40/22, 59. They are addressed to John Offord. The first is on behalf of Oliver Stratton, wounded in the war and unable to work. He was appointed collector in Suffolk on March 10, 1347, and his successor was appointed on April 18. Both these appointments, it is significant, were "by C" (*C.F.R.* vi. 19, 20). The second is on behalf of John de Barksworth, who had been appointed on November 1, 1346, "by K and Guardian and C" (*C.F.R.* v. 491). His discharge from this office is not recorded.

de la cuillette des dysmes et quinzismes en Norffolk, par quei monseigneur vous pleise lui faire avoir deliverance si tost comme vous plerra et partant monseigneur vous en pourriez faire grande almoigne ".[1]

The chancellor's power moreover extended into the exchequer itself. Chancellor and treasurer not only combined to direct many of the offices of local administration, they co-operated closely in the work of their own departments. There is no real trace of rivalry between the two offices under Edward III.; the position was such that although there might be the greatest personal jealousy or political rivalry between individual officials, the departmental activities of both were too clearly defined to be frequently in doubt, whilst their co-operation was indispensable in almost every aspect of the work of both.

The exchequer had a separate seal and was largely—as was the wardrobe, the chamber, or the office of the king's butler—independent of chancery in its activities, only requesting the issue of writs under the great seal for a limited number of acts for which the exchequer seal did not suffice. There was some friction between the two seals, and between the chancery and the exchequer, though there was no trace of any bitter rivalry such as had existed under Edward II. between the household offices and the exchequer.[2] On the whole the interests of the two offices were the same. Indeed, generally speaking, though there is clear evidence that the chancellor was opposed to some of the extensive administrative powers that Edward III. granted to his chamber, the chancery was normally free, under Edward III., from conflict with any other office of administration. Chancery and exchequer co-ordinated most closely in the great work of state administration. There was an extensive interchange between chancery and exchequer of writs which served as warrants for the issue of letters under the great seal, or authorised expenditure from the treasury.[3] Many payments from the treasury were authorised by the chancery, sometimes without any warrant for the chancery writ, sometimes with a warrant provided by the treasurer himself.[4] It was this sort of payment, among others, which the Ordinances of Walton attempted to restrict; and the authorisation of chancery letters by the treasurer was certainly less frequent for a time after July 1338.

[1] Ancient Correspondence, 41/13. Thomas Brembre was acting receiver of the king's chamber in 1348 (*C.P.R.*, 1348–50, p. 212). He had rendered his final account by 1352 (*C.P.R.*, 1350–54, p. 355). At the foot of the writ is written " Johannes de Newers amoveatur ".

[2] Tout, *Edward II.*, pp. 182-5. Cf. Baldwin *King's Council*, p. 229.

[3] Chancery Warrants, files 1549-1643, and files 1670-74; Exchequer Warrants, E. 404/4/21-8; E. 404/5/30-8, etc.

[4] " By Bill of Treasurer", etc.

Other payments by local officers were frequently authorised by the chancery and not by the exchequer, an outstanding instance being the collection of the subsidy of the ninth in 1339–40, when chancery appointed supervisors for the levy, drew up their commissions, issued writs against recalcitrant contributors, and made innumerable orders direct to the receivers, ordering them to make payments out of their proceeds.[1]

The chancellor himself occasionally sat with the treasurer and barons in the work of their department.[2] He presided over a meeting of the council to inquire into the defective currency,[3] or to examine a petition directed against the exchequer.[4] Robert Thorp even received a petition from the Bishop of Lincoln asking him to command the treasurer and barons to suspend their collection of the tenth from the prior and convent of Torksey on grounds of poverty.[5] In 1347 the chancellor was given power, along with the treasurer and justices, to reverse errors in the exchequer, and this was enacted formally in the statute of 1357.[6] On the other hand the treasurer, in 1348, presided over a commission to inquire into forgeries of the great seal, and the proceeds of the great seal were accounted for in the exchequer by the keeper of the hanaper;[7] but the treasurer's influence in chancery was clearly not so extensive as the chancellor's powers of interference in exchequer affairs.

The work in which the interests of chancery and exchequer were most antagonistic was perhaps that of jurisdiction. It is a commonplace that applied equally to chancery and exchequer in the early fourteenth century, that courts always tend to encroach beyond their original sphere of operations. Thus in 1339 we find an order under the great seal to the treasurer and barons of the exchequer, to supersede pleas moved in the exchequer, "because it is not right that the matters should be pleaded at the exchequer which are in chancery by the king's orders for information and discussion".[8] But it was in equitable jurisdiction that the great development of these years was taking place; and in this the exchequer was completely outstripped by the chancery. Yet it scarcely seems necessary to revert to the theory of a struggle

[1] *Rot. Parl.* ii. 118-19; *C.P.R.*, 1340–43, p. 25, etc.

[2] Davies, *Baronial Opposition*, p. 240.

[3] *Rot. Parl.* ii. 62, 1331.

[4] *Rot. Parl.* ii. 271, 1362. He also considered with the advice of the treasurer "et des autres sages de nostre conseil" the promotion of the chief baron of the exchequer, Ireland, to be Treasurer of Ireland (Chancery Warrants of Privy Seal, I./249/11379).

[5] Ancient Correspondence, 40/184.

[6] *Rot. Parl.* ii. 168; *Statutes of the Realm*, i. 351; Baldwin, *King's Council*, pp. 233-4. Also, "If the exchequer failed to do right, one could apply, at the chancery, for a hypothetical writ directing the exchequer to do right" (L. Ehrlich, *Proceedings against the Crown*, p. 166).

[7] *C.P.R.*, 1348–50, p. 65, 1348.

[8] *C.C.R.*, 1339–41, p. 98.

between the two offices, and a resulting defeat of the exchequer, in order to account for this.[1] The limitations on the activities of the treasurer had been indicated as early as 1280, when Edward I. had ordained that the chancellor, treasurer, and justices should receive petitions in parliament, bringing only those that were necessary before the king and his council.[2] The treasurer was to receive those concerned with the work of the exchequer, whilst the chancellor received those connected with the great seal, an arrangement recognising the special interest of the treasurer in matters of finance, but leaving to the chancellor all other questions arising out of the normal activities of the government. Moreover, "the same constitutional documents of Edward I. and Edward II. which insisted on the right of the exchequer to receive and control the issues of the realm, prohibited the exchequer from hearing pleas in which the king's revenue was not involved".[3] It is clear that from the beginning the keeper of the great seal was the natural person to receive the bulk of any legal activities that the king and council chose to delegate out of their hands.

The situation, so far, seems to be substantially clear. Outside the special administrative work of his office the chancellor co-operated closely with the other leading officials of state. This co-operation took the form on the one hand of a division of labour, —the exchequer being substantially concerned with finance, the chancery being still to some extent the unspecialised office of the great seal—on the other of a conjoint activity in some of the most important work. Here, however, the work of the chancellor and treasurer and other leading officials combined, shaded off into the work of the council. The council, indeed, was an advisory body; but the results of its activities are evident in every aspect of administration under Edward III.; and it is clear that it was in these that some of the most important administrative activities of the chancellor were officially expressed.

With regard to the council it has been said[4] that the chancery "in the fourteenth century . . . was made the principal organ of the king's council in matters both administrative and judicial". But the indefinite and extremely elastic nature of the king's council in the period makes generalisations with regard to the relations between council and chancery difficult, and perhaps even misleading. It is probable that these relations varied to some extent at least with the varying forms of the council.

It is clear that the chancery was still the office through which, perhaps more than any other, the decisions of the council received

[1] Baldwin, *King's Council*, pp. 228-30; Tout, *Edward II.*, p. 184.
[2] *C.C.R.*, 1279–88, p. 56.
[3] Tout, *Edward II.*, p. 55.
[4] Baldwin, *King's Council*, p. 236.

E.H.R. (T. F. Tout), xxx. 120;

executive force, though there was an increasing use of the privy seal for this purpose, during the reign of Edward II., and in the early years of Edward III.[1] Thus warrants from the council were frequently mentioned on chancery writs throughout Edward III.'s reign. But very few original warrants from the council are now preserved in the files of chancery. This is partly to be explained by the use of privy seal writs for this purpose; but bills or writs of privy seal were by no means the only form of warrant by the council in the reign of Edward III.[2]

It is possible that, in Edward III.'s reign, some decisions of the council did not require to be notified into chancery, since they were arrived at and could be put into execution on the spot; and it seems probable that a few at least of the communications from the council were verbal.[3] Yet there is no doubt that a written authorisation of some sort was a desirable and in some cases an essential precaution before the issue of the chancery writ, and a number of written authorisations from the council have been preserved in the files of chancery.[4] The existing warrants from the council in the P.R.O. form a strangely mixed group of documents, including schedules and unsealed communications, petitions to the council, and returned letters under the great seal; and they have apparently only this in common, that the ensuing letter under the great seal had for mention of service " by C " or " by K and C ". In one or two cases the authority of the council was more explicitly mentioned. Thus, one unsealed note to the chancellor was endorsed " Memorandum quod ista billa liberata fuit J. Wigorniensi episcopo, Cancellario ex parte consilii Regis per Johannem de Wynwik clericum ad faciendum inde breve iuxta tenorem dicte bille ".[5]

[1] For the question of rivalry between the great and privy seals, see *King's Council*, pp. 106-7, 256, 257, and Tout, *E.H.R.* xxx. 120. For the use of the privy seal by the council under Edward II., see Maxwell-Lyte, *The Great Seal*, p. 84.

[2] Baldwin, *King's Council*, p. 257: " It is soon made evident that an act of the council is itself a warrant for a letter of the privy seal, but for a letter of the chancery, if all the formalities were observed, a warrant under the privy seal was required." On p. 257, *n.* 6, Professor Baldwin supplements this: " Needless to say, chancery did not always insist on sealed warrants. But in regard to the more important letters patent this rule was well observed from the tenth year of Richard II.".

[3] Cf. *J.R.L.B.* viii. 1, p. 114. In 1358 the chancellor received the king's oral order to proceed in a case in chancery, and, apparently on his request for a written warrant, the king said that his word (*dictum*), " plus sufficere debet pro warranto ", than a writ under the privy seal (L. Ehrlich, *Proceedings against the Crown*, 1216–1377, p. 142, quoted to show that " the king's orders need not be given by ' matter of record ' ").

[4] Chancery Warrants, files 1538, 1539.

[5] Chancery Warrants, file 1538/42. On another bill was written, " Ista billa delata fuit Johanni Knyvet Cancellario et consilio Regis ex parte ipsius Regis per Ricardum Stury " (*ibid.* f. 1538/61). It had been passed on by the council

The communication from the council in this case had consisted of an unsealed bill handed in to the chancery by a clerk. In other cases it clearly consisted of communications from members of the council or from individuals writing with the assent of the council. This was the case with a letter commanding the chancellor to grant licence to the convent of Merton to elect a new prior, which was endorsed " par le conseil " and was sealed with the seal of William Montague.[1] Similarly three bills to the chancellor dealing with exchequer affairs, of which one gave rise to a chancery writ " Per consilium et per billam thesaurarii ", were possibly bills under the seal of the treasurer.[2] Examples of this are not only found in the files of Warrants from the Council, but also in those of Ancient Correspondence. A letter from Stratford to John of St. Pol, probably keeper of the rolls, mentioned incidentally the assent of the council.[3] William Kilsby wrote from Newcastle, desiring a commission to be amended " selonc la forme comprise en une cedule, cosue a meisme le transescrit, car ensi est il acordez aussi bien par nostre seigneur le Roi et son counseil come par les ditz justices ".[4] And Hugh Hastings wrote to David Wollore, probably

to the chancery. Cf. Chancery Warrants, file 1538/10 *a*. (3 Edward II.): " Quia dominus Johannes de Benstede et dominus Willelmus de Burne fecerunt sacramentum coram consilio pro officio Justiciarii in Banco, Fiat eis commissio et mandetur W. de Bereford quod eos in sociis admittat. Ista billa tradita michi fuit ad scaccarium per consilium vobis liberanda."

[1] Chancery Warrants, file 1538/22. On March 18, 1335 (see Appendix VII., *infra*). There is a letter in the Patent Rolls signifying the royal assent to the election of one of the canons to be prior. It is dated March 24, 1335, with no mention of service (*C.P.R.*, 1330–34, p. 87).

[2] Chancery Warrants, file 1538/30, 25, 27. The first authorised the issue of letters of pardon to Thomas Musgrave and his wife, who had married without licence, but who had paid £200 fine; the second requested a writ to be sent to the collectors of customs in London, ordering payments of money; the third was directed to the treasurer and barons, putting off the day of account for Robert Audley, sheriff of Southampton. The first of these resulted in the chancery writ " by C and bill of treasurer ", the second and third resulted in writs " by C " (*C.P.R.*, 1343–45, p. 477; *C.C.R.*, 1337–39, p. 592; *C.C.R.*, 1339–41, pp. 264-5).

[3] Ancient Correspondence, 39/105: " Endroit des compaignies de Barde et de Peruch' tout feust il hier parlez, de passer certein nombre de saks, il est bien a ce qil est avis a nous qe vous lur facez brefs generals selonc le grant de nostre seigneur le Roi en la manere qe vous avez fait avant, et a ce la accorde la darreinere lettre qe vous vingt, la quele vous serra garant ove lassent du consail." A sire Johan de Saint Paul, par Larcevesque de Canterbirs.

[4] Ancient Correspondence, 39/31. The P.R.O. date this December, 15 Edward III. The justices were Heppescotes and his associates " assignez doier et terminer divers articles en Contez de Northumberland ". A commission was issued to the Earl of Angus, Henry Percy, Thomas Heppescotes, etc., to hear and determine pleas in Co. Northumberland, on October 16, 1341, " by C "; it was entered a few pages later in the rolls, in a more general form " by K. and Pet. of C "; and this also was dated October 16, whereas Kilsby's letter was dated December 2 (*C.P.R.*, 1340–43, pp. 320, 327).

then keeper of the rolls of chancery, saying that Hugh Mortimer had been discharged by the council from the duty of finding men at arms for the king, and asking for writs of discharge to be issued.[1]

Thus there was still no one fixed and invariable form of communication from the council to the chancery. In actual practice any document that was recognised as emanating from the council might serve as a warrant for the issue of a chancery writ; it has recently been said[2] that "A minute endorsed on a bill, or written on a scrap of parchment was generally considered sufficient". But it is clear that in some cases a further warrant might be required. In the Ordinances of Walton it is interesting to notice the council in England were definitely commanded to use "billes sous leux sealx propre en noun de Roi en lieu de garant".

Besides authorising letters issued from chancery, the council in some form exercised a considerable general control over the office. Thus, in 1320 the council emended the form of a series of mandates to be sent to the sheriffs of England commanding the arrest of a certain Robert le Ewer, because "videtur consilio Regis quod in isto brevibus (*sic*) et ceteris omnibus consimilibus deficit clausula de certificando et returnando" etc.[3] In 1340 a commission of "oyer et terminer", issued from the chancery on the previous February 2[4] by a fine of 20*s*., was revoked because "it seemed to the council that the aforesaid trespasses are not so terrible that the plea thereon cannot be taken in the ordinary course" (*i.e.* at common law). The writ of revocation was issued from chancery "by C in parliament".[5] Similarly a memorandum in the chancery rolls, in 1351, read "This indenture was first made under the form here enrolled, word for word; and after, with the assent of the council, all the words underlined were cancelled, and the indenture newly made under the same date, cancelled words being omitted". In 1369 a memorandum read "Be it remembered that this pardon was first granted by the chancellor by fine of £100, and afterwards the council reduced the fine by £20 as being excessive".[6] In 1371 the council decided that a recognisance on the chancery rolls contained an error, and determined that both the entry and the estreats sent to the exchequer should be altered.[7] It is probable that "the great council considered, amended and recalled chancery writs".[8]

[1] Ancient Correspondence, 40/74. Cf. Chanc. Warrs., file 1539/5. "Fiat salvus conductus pro Patrico de Grame milite, magistro Simone de Carnes clerico, etc.—Ista billa liberata fuit Cancellario per Comitem Northumbrie ex parte Concilii." The safe conducts are recorded in *Rot. Scot.* ii. 7 *b*, "per ipsum Regem et Consilium".

[2] Maxwell-Lyte, *The Great Seal*, p. 180.

[3] *Ibid.* p. 188.

[4] *C.P.R.*, 1338–40, p. 486-7.

[5] *C.C.R.*, 1339–41, pp. 451-2.

[6] *C.P.R.*, 1367–70, p. 227.

[7] *C.C.R.*, 1369–74, p. 322.

[8] Davies, *Baronial Opposition*, p. 126.

On the other hand, until about the middle of Edward III.'s reign, some councils were summoned by writ under the great seal.[1] And it is generally understood that the council met sometimes under the presidency either of chancellor or treasurer, and was called by them with wide powers of discretion. Whilst this can by no means be applied to any meeting of the council, it seems possible to accept it with regard to the less important ones.[2] The acts of such councils, at least as they were expressed in writs of great seal warranted " by C ", differed little from many of those performed by the chancellor alone. They were clearly distinct from, and of much less importance than, the letters warranted " by K and C ;" and it is possible that there was a corresponding difference in the composition of the councils.[3] It is probable in any case that the less important council was on occasions composed only of justices or administrative officials called by the chancellor to advise and support him, and acting in a very subordinate capacity. That the discretion of the chancellor in this respect was very real, was proved conclusively in the Molyns' case in 1345.[4] It was then claimed that the chancellor, the chief justice, and William Shareshull, a justice, did not represent the council; but the claim was rejected because the chancellor was acting on a privy seal writ authorising him to call " as many learned in the law, of the king's council, as is necessary ". Similarly, the chancellor might be directed that, " having called before him men learned in the law (he) may cause to be ordained by the king's council what shall be just ",[5] or, as in the endorsement on a petition in parliament, " Et soit la certification retourne en Chauncellerie et le Chauncellor appellez a luy ceux qui sont de Consell le Roi et face droit ".[6] In these cases not only did the

[1] Baldwin, *King's Council*, p. 107.

[2] *Ibid.* pp. 211-13.

[3] But cf. H. Maxwell-Lyte, *The Great Seal*, pp. 179, 184, and Baldwin, *King's Council*, p. 382.

[4] *C.P.R.*, 1345–48, p. 137.

[5] *C.C.R.*, 1330–33, p. 113. Cf. *C.C.R.*, 1354–60, pp. 668-70. The same thing may be seen, from a different point of view, when Edward sends the chancellor a petition from Antwerp, asking him to do what he thinks fit with regard to it, with the advice of the treasurer of England, and others of the council (Chancery Warrants, 249/11379 *a*).

[6] *Rot. Parl.* ii. 23. Cf. Baldwin, p. 245. In a well-known case, quoted by Professor Baldwin, the chancellor and treasurer are commanded to hear complaints of error from the exchequer (1357), and they " shall cause to come before them in any council chamber near the exchequer the record . . . taking to themselves the justices and other sage persons such as ought to be taken; and they shall cause to be called before them the barons of the exchequer, to hear their informations and the causes of their judgements " (*King's Council*, p. 334). Professor Baldwin describes this enactment: " The chancellor and treasurer together are mentioned as holding the authority of the court, while the justices and others were to come *before* them, and are represented in the light of assessors. The barons were to come only to give information and explain their judgments ". " The court thus constituted was none other than the histori

chancellor call whom he pleased to help him, but he was plainly regarded as controlling the proceedings. Chancery acts authorised or amended by the council under such circumstances were little different from those of the chancery alone; the chancellor's association with the council did not mean either a considerable shifting of responsibility from his shoulders or a serious limitation of his power.

Two points in the relations between chancery and council seem to emerge fairly clearly from all this. In the first place it is certain that the relations between the two in some cases, under Edward III., continued to be still both informal and close. It is perhaps not sufficient to regard the chancery at this time as the principal organ of the council in administrative affairs. The council appears frequently above in the characteristic position of an advisory body, called in on occasions to help the chancellor in his more important work. It similarly advised other administrative officials in the performance of their duties; but the commanding position of the chancellor in administrative affairs generally is substantially reflected in his pre-eminence in most of the councils of this kind.

In the second place, however, there is clear evidence of a separation between chancery and council, which had results of the utmost importance on the history of chancery as a whole. That there is an apparent contradiction in this is due perhaps, not so much to any real ambiguity in the position of the chancellor, as to a really formidable difficulty in our approach to the subject, due to our conception of the council. That there was but one king's council in the middle ages is a fundamental truth, the importance of which has rightly been insisted on by more than one recent writer on the subject; but a student of the council must nevertheless be prepared for an astonishing elasticity in its form, which almost constitutes it, for practical purposes, not one but many councils. Thus the closest identification of the chancellor and the council on the one hand must be reconciled with a growing separation between the two on the other, the secret of which is to be found in a growing divergence in the different forms of the council. The dictum of Professor Tout that "all through the middle ages the primary duty of the council is to follow the king",[1] is somehow to be reconciled with the fact that the chancellor under Edward III. was gradually increasing his separation from the king on the one hand, and maintaining the closest connection with the council on the other. The valuable conception of a single undifferentiated council, if pressed

'council at the exchequer'." The commanding position of chancellor and treasurer is clear, though it is not quite so clear, perhaps, that the justices were to be merely assessors. Cf. examples in L. Ehrlich, *Proceedings against the Crown*, p. 195.

[1] In *E.H.R.* xxx. 121.

too far, breaks down before the impossibility of such contradictory facts.

The truth seems to be that the council, as well as almost every other administrative body, was affected by the predominant administrative development of the reign of Edward III. There was still essentially but one council, but the unity of this, in practice, was beginning to be undermined by the elaboration of government and administration, and the increasing separation of the important offices of state from immediate contact with the king. We have appearing, in fact, a limited "administrative" council, if not in form, at least in its composition and in the nature of the activities it met to discuss. It was of the "administrative" council that the chancellor was normally the centre and frequently the controller, as he was of administration as a whole.

But the chancery warrants of the council alone are sufficient to indicate to us that he was no longer in immediate contact with other aspects of the council, just as he was at times out of touch with the king. If his presence was normally required at the most important, as it was frequently at the least important, meetings of the council, it was clearly not indispensable on all; and his activities were plainly, in some instances, becoming separated from those of the council, of which they had at one time formed a part. This is particularly the case in his judicial acts: and if his office cannot now adequately be described as the instrument of the council in administrative, it is still more misleading to describe it as becoming the principal organ of the council in judicial affairs. In the latter case, the truth seems to be rather the reverse of this. It is true that judicial work was increasingly delegated to the chancellor from the council, in the early years of the century; but the great development in chancery, in the middle years, was that of a growing independence from the council in judicial affairs. It was the differentiation of its activities, in this aspect, from those of the council, which created the independent court of equitable jurisdiction in the chancery, in the fourteenth century.

The last great result of the separation between the chancery and the crown, in the office of chancery itself, was the recognition of the chancellor's independent exercise of equity, the last importamt development of those judicial activities which were the most characteristic of his early administrative functions, and the first, probably, to develop in the office, as early as the thirteenth century. The later court of equity in the chancery was essentially, in its origin, part of the comprehensive administrative office of the great seal: the chancellor's equitable jurisdiction was wider than any of his other administrative functions, involving a much greater exercise of the prerogative of the king, yet it had at this stage, much in common

with a long series of administrative duties evolved by his office from its original functions of secretariat of the crown. Its origin is to be sought, like that of the administrative office as a whole, in the increasing separation between the great seal and the king: it was essentially the last and in a sense the greatest delegation from the crown of functions with which the king could be no longer concerned to his natural representative in administrative affairs. Equity was, indeed, in essentials, at this stage, partly administrative as well as judicial. Its early history has been too exclusively a matter for the legal historian alone. Its evolution cannot really be explained apart from the evolution of the administrative office of chancery as a whole.

The growth of the equitable jurisdiction of chancery, which must rank as one of the most important judicial developments of the fourteenth century, had its first beginnings at least as early as the reign of Edward I. It was then that a great definition and codification of the law, and a final prescription of the variety of original writs that could be issued from chancery, completed a development in common law which, combined with a steady growth in the power of precedent in the courts of law, left a continually increasing number of judicial cases for which the law offered no remedy. In such cases from the earliest times resource had been had for remedy to the royal prerogative: and in Edward I.'s reign this process of appeal became crystallised into a recognised procedure of petition to the king and the council. The great occasion for presenting these petitions was the sitting of parliament; but their increasing numbers, even early in Edward's reign, began seriously to impede all other business of parliament. Accordingly as early as 1280,[1] petitions were divided into three main categories, of which one—that which contained all petitions concerning the great seal, a most comprehensive classification—was to go first to the chancellor, who was himself to deal with the petitions, unless they were very important or involved matters of grace, in which case they would be answered by the king or by the king and council. By 1305 [2] the sorting of these petitions was in the hands of receivers of petitions,[3] appointed for the purpose in each parliament.

[1] *C.C.R.*, 1279–88, p. 56; Stubbs, *C.H.* ii. 276.

[2] Maitland, *De Tenendo Parl.*, 1305, pp. lvi, lvii. A full discussion of petitions in parliament, under Edward I., is to be found in *Proceedings against the Crown*, 1216–1377, by L. Ehrlich, pp. 83-112.

[3] These, in Edward III.'s time, were chancery clerks, though McIlwain's conjecture that "the receivers of petitions who sent petitions to the proper court for redress were probably the same clerks of chancery who also issued original writs" seems to be scarcely established by the evidence there is available for the activities of greater clerks under Edward III. (McIlwain, *High Court of Parliament*, p. 210).

Thus, from the beginning, by far the most comprehensive class of petitions was recognised as being especially within the sphere of the chancellor. But, in the words of Stubbs, "the chancellor although employed in equity, discharged ministerial functions only".[1] The remedy he provided was limited to that which he could offer within the scope of his ordinary duties: he was restricted in law exactly as he was in his independent use of the great seal. The real problem presented by the growth of equity in the chancery therefore lies not in the altogether exceptional extent of the chancellor's activities in this respect, but in the change from his early limited "ministerial" functions to the later more unrestricted and completely independent exercise of the royal prerogative.[2]

The chancellor's equitable jurisdiction was not to grow out of the ministerial functions of 1280. It was only through the council that he came to outstep the early limitations of his office in equity. From Edward I.'s reign at least it was the custom for petitions to be delegated to him by king or council, and for the chancellor to hear them, with other ministers, in a court which was itself a form of the king's council.[3] The chancellor's independent exercise of equity began when these petitions were addressed to or received by him directly, instead of through the council, and when the court which he assembled to answer the petitions ceased to be regarded as a form of the king's council.

Unmistakable evidence, therefore, of a new development in the chancellor's office is to be found in the appearance in 1343–45 of petitions for royal grace, addressed to the chancellor alone.[4] Alongside this we find, in 1341, a royal order directing a whole class of petitions directly into the chancery.[5] In 1346 the king stated in cases of misdemeanour on the part of escheators, sheriffs, and other officers, he had charged the chancellor and treasurer to hear the complaints of those who would complain, and to ordain speedy remedy.[6] And in January 1349 Edward caused the sheriffs of

[1] Stubbs, *C.H.* ii. 282.

[2] T. F. T. Plucknett has emphasised another aspect of the problem, in the growing separation between equity and common law, in the early years of Edward III. (*Statutes and their Interpretation in the Fourteenth Century*, pp. 397-402).

[3] Baldwin, *King's Council*, p. 244: "The court which the chancellor was instructed to assemble was the king's council."

[4] *Ibid.* p. 249. This is brought out clearly in Professor Baldwin's fruitful treatment of the question.

[5] *C.C.R.*, 1341–43, p. 113. Certain malicious persons had spread rumours that Edward intended trickery with regard to the loans he was negotiating and the subsidy he had just been granted; he therefore announced that any aggrieved person should go to the chancery and show his complaint, and the king would cause due and speedy remedy to be done. By C.

[6] *Statutes of the Realm*, p. 305, 20 Edward III. c. 6.

London to proclaim that petitions concerning the common law should be sued before the chancellor, and those concerning the king's favour before the chancellor or keeper of the privy seal. Only those cases which could not be answered without consulting the king were to be sent to him, and even these were to be accompanied by the recommendations of the chancellor or keeper of the privy seal.[1] Finally in 1358 Edward declared that "if any man feel he have a grievance by breach of ordinances he should come before the mayor and the sheriffs to complain . . . if they make default in justice, the person aggrieved should go to chancery, and the king after hearing his plaint will cause the complement of justice to be done", etc.[2] Even if there still remains some doubt as to the extent to which all these enactments presupposed an independent exercise of equity by the chancellor, there can be little doubt that the middle years of Edward III. witnessed a rapidly growing recognition of the chancellor's position in equity if not separate from, at least as normally head of, this branch of the council.[3]

But a preliminary still essential to the appearance of an independent court of equity was a clear recognition that the chancellor and his associates in the work of equity had ceased to form the council in the chancery. This is to be traced, Professor Baldwin suggests, to a growing separation between chancery and council, due in turn to an increasing use of the privy seal instead of the great seal as the instrument of the council. Compared with the effect of this new procedure on the relations of the two bodies, the idea of a growing difference in personnel has very little weight, for, in the words of Dicey, "there is little reason to suppose that in the fifteenth century persons brought before the Council and those summoned to the presence of the chancellor came before an essentially different court".[4]

Professor Baldwin's conclusions on this point, however, still leave some difficulties to be explained. Even if we assume that the tendency for the privy seal to supersede the great seal as the instrument of the council is sufficiently explained by the growing separation of the chancery from the king, still the earliest development of equity in chancery undoubtedly appeared prior to the extended use of the privy seal by the council. The early stages of

[1] *C.C.R.*, 1346–49, p. 615. This was possibly only of a temporary nature (Holdsworth, *History of English Law*, i. 401-2; cites Kerly, *Equity*, pp. 31, 32). It was not issued, as Kerly suggests, on account of the expedition against Calais; that occurred earlier; but possibly on account of the Black Death. It did, in fact, prove a permanent innovation (L. Ehrlich, *Proceedings against the Crown*, pp. 183, 184).

[2] *C.C.R.*, 1354–60, p. 540.

[3] Cf. T. F. T. Plucknett, *Statutes and their Interpretation in the Fourteenth Century*, pp. 121, 169.

[4] *The Privy Council*, p. 70; Baldwin, *King's Council*, p. 255.

the use of the privy seal by the council are obscure; but a definite stage seems to have been reached in 1353, or possibly in 1371,[1] when councils (apart from parliament) began to be summoned by writs of privy seal; but before this could have seriously affected the situation, a definite stage in the evolution of the equitable jurisdiction of chancery had already been achieved.

In the second place, Professor Baldwin's point that "in point of personnel at the time of Richard II. there was no separation of two bodies of men (*i.e.* between the court of chancery and council)" is difficult to reconcile with his account of the elimination of the official element from the council.[2] It is almost certain that chancery clerks were among those eliminated in the reign of Edward III., and it seems probable that the turning-point in this process occurred in 1341,[3] the date at which the evidence of an independent position of the chancellor in equity begins. On the other hand there is no suggestion that chancery clerks ceased to form part of the judicial advisers of the chancellor. As late as 1463, in the absence of the chancellor, the custody of the great seal was temporarily given to the master of the rolls, who was instructed, in the administration of justice, to call to his assistance certain clerks of chancery.[4] Under these circumstances the possibility of an increasing difference in personnel between the council and the court of the chancellor, exercising a considerable influence on the growth of equity in the chancery, cannot be ignored.

The whole development seems to have been due, however, substantially to the same general process which led to the establishment of seals for the two benches, and perhaps to the increasing use of the privy seal by the council itself. The separation of the great seal from the king, of the chancery from all other offices of administration, had proceeded steadily since the reign of Edward I. The position of his office, from being a matter marked out by administrative formulae and departmental regulations, slowly became an accepted fact to the country at large. The chancellor's activities were no longer naturally not differentiated from those of the council: his chancery clerks, particularly after 1341, were no longer so easily regarded as part of the council personnel. Both the change in the seal of the council and in the council personnel contributed no doubt, in the end, to the growth of equity in the chancery; but the fundamental reason was the increasing separation of the great seal and the chancery from the king, which was

[1] Baldwin, *King's Council*, pp. 106-7.

[2] *Ibid.* pp. 72-82. Cf. Professor Pollard in *The Evolution of Parliament*, p. 245, "Chancery was the king's council in chancery".

[3] See *infra* pp. 180-8.

[4] Baldwin, *King's Council*, p. 253.

the controlling influence in the evolution of the whole office under Edward III.

The origin of the equitable jurisdiction of the chancellor is, therefore, to be sought in the evolution of the administrative office of chancery. And the administrative office of chancery, under Edward III., presents a spectacle which, in detail, is complicated and at times obscure, but of which the main outlines seem sufficiently clear. The reign of Edward I. had seen the real beginning of a slow and imperceptible, but none the less certain, transition of the chancery from being primarily a great secretariat into being primarily a great office of state administration, and from an office whose main activities were the expression of the personal wishes of the king to an office whose most important functions were carried out largely in independence of the crown. During this process activities especially belonging to the office, in judicial and ecclesiastical administration, were gradually defined. But throughout the reign of Edward III. chancery also clearly retained the characteristics it derived from the great unspecialised seal of the crown which was in its charge. It remained the great co-ordinating centre for administration as a whole: all the most important administrative officials looked to the chancellor for their commissions of appointment, and for authorisations for many of their most important acts. In conjunction with other administrative officials, forming the council, the chancellor exercised a still wider supervision over administration as a whole. While the chancery itself was losing touch with some aspects of the royal council, the relations between the chancellor himself and this "administrative" council remained as yet both informal and close. But the growing separation between chancery and other aspects of the council was gradually completing the evolution of an office of chancery independent in all branches of its administrative work. The equitable jurisdiction of chancery was the outcome of this, the greatest development of the mediaeval office of chancery. But it was also the last great departmental work to be evolved. Even the administrative work of chancery depended ultimately on the position of the great seal in its relations to the crown, and the same development which had given rise to the administrative office of chancery, in the long run was responsible for its decay. A separation from immediate contact with the king had been a condition of the independence of chancery: but the first result of this had been the appearance of more personal and intimate seals of the king. Gradually the great seal had ceased to express the direct wishes of the crown. Its importance in the long run passed to the instruments which intervened between it and the crown, and with this, even its use in administrative affairs began

inevitably to decline. In the end the administrative office of chancery became largely a thing of the past: it was only represented by the great judicial activities of the chancellor, last evolved and least of all dependent on the use of the great seal itself. In the reign of Edward III. the administrative office of chancery attained perhaps the summit of its power; but at its best it represented only a transition stage: the very influences which had created it were working its decline, before the last and greatest development of its activities was as yet clearly defined.

THE ORGANISATION OF CHANCERY

Section I.—The Main Sub-offices

§1. *The Department of the Rolls.* §2. *The Hanaper.*

THE work of the chancery both as a secretariat and as an office of administration entailed a system of records, both of the letters issued under the great seal, and, when the chancellor in the thirteenth century began to answer for the proceeds of the great seal, of the income derived from the issue of letters. The one was provided by the system of chancery rolls existing at least from the time of King John, the other by the accounts of the department of the hanaper, which first appeared in the reign of Henry III.

§1. The office of the rolls probably existed in its earlier form considerably before the reign of John, though the surviving rolls of chancery do not begin until 1201, and the name keeper of the rolls is not recorded before 1265.[1] The work of recording was performed mainly by means of the system of chancery enrolments, the rolls being roughly classified according to the type of letter recorded, or the nature of the business transacted in the letter, or the locality with which the letter was concerned;[2] and to a less extent by preserving bundles of writs and inquisitions returned to chancery. Not all chancery letters were recorded on the chancery rolls;[3] but, on the other hand, other entries also found a place there, memoranda of legal proceedings such as the receiving of attorneys or of recognisances for debt; and important general information, particularly with regard to any changes in the care of the great seal, was sometimes recorded as well.

The obvious manner of compiling the chancery rolls was to record in them each letter as it was on its way out of the chancery;

[1] Tout (*Chapters*, ii. 11) gives 1286; but Maxwell-Lyte (*The Great Seal*, p. 5) gives 1265.

[2] During Edward III.'s reign there are ten different kinds of roll preserved in the P.R.O.: (i.) Charter Rolls, (ii.) Patent Rolls, (iii.) Fine and Oblata Rolls, (iv.) Scutage Rolls, (v.) Extract Rolls, (vi.) Gascon, French, and Scotch Rolls, (vii.) Close Rolls, (viii.) Liberate Rolls, (ix.) Redesseisin Rolls, (x.) Parliament Rolls. William Burstall, keeper of the rolls from 1371 to 1381, described the rolls in his charge as, *Cartarum, Patentium, Finium, Clausarum, Vasconiae, Francie, Scotie, De Parliamento, Rome, Almannie, Redisseisinarum, Liberate*; with bundles of *Escaetrie, Inquisitionum, De Recordis, De Statutis Mercatorum, Litteris de Privato Sigillo, Brevibus* (*P.R.O. Lists and Indexes*, xxvii.).

[3] Writs and inquisitions *Post Mortem* and *Ad Quod Damnum* were not enrolled, but they were returned to chancery and thus preserved. Some other writs were neither enrolled nor returned (Maxwell-Lyte, *The Great Seal*, p. 363).

but an alternative method, usually regarded as more probable, was that drafts of the letters despatched should be forwarded to the rolls office, to be copied there at leisure. The former was the method by which the registers of the chancellor were composed in France; but a strong presumption in favour of the latter is provided by the almost complete lack of chronological order in the letters recorded in the English rolls. It must be remembered, in this connection, however, that the date in writs was usually copied from the warrants which had authorised them; and some writs took much longer to prepare and issue from chancery than others.

One point is clear, however: many writs, when they were completed, remained in the hanaper of chancery, and were issued or claimed from there by those for whom they were drawn up.[1] And the evidence suggests that they were taken straight from the seal to the hanaper. Thus a memorandum in the Fine Rolls speaks of a writ "Vacated because surrendered on April 30th following, by the clerk of the Hanaper, in whose keeping these letters had been from the time of the making thereof until the present day".[2] Similarly in the Patent Roll an entry was made, "No more is written because it does not take effect, and the letters remain with the clerk of the Hanaper".[3]

Besides this there is direct evidence of the use of transcripts as early as the reign of Edward I. A memorandum on the Close Roll for 1302–7 stated[4] that "on Monday . . . three writs were sealed and directed to the Pope . . . which writs were not enrolled or transcripts thereof delivered to the rolls, and they were delivered to the seal by the hands of Master J. de Cadomo [Caen]. . . . And on the same day in the chancellor's lodging at the house of the bishop of Chichester, there were delivered to the seal by the hands of J. de Cadomo, two writs . . . which letters were not enrolled, nor did John take care to deliver transcripts thereof to the rolls, although he was warned and required to do this by the aforesaid Adam Osgodby." In 1306 several letters to the Pope and other persons, brought to the chancellor by John of Caen, a clerk of the royal household, were duly sealed, but he failed to supply the transcripts demanded of him, so they were never enrolled.[5] In England, then, it is clear that normally the transcript was used as a means of information to the clerk of

[1] C.C.R., 1330–33, p. 127: "All those who have charters in the Hanaper . . . claim them: . . . if not they will be broken, and the enrolments in the chancery rolls cancelled" (*C.C.R.*, 1343–46, p. 61; *C.C.R.*, 1369–74, p. 514; *C.P.R.*, 1374–77, p. 136).

[2] *C.F.R.* v. 207. [3] *C.P.R.*, 1343–45, p. 183. [4] *C.C.R.*, 1302–7, p. 453.

[5] Maxwell-Lyte, *The Great Seal*, p. 360. The use of transcripts is fully proved by the evidence brought forward by Sir Henry Maxwell-Lyte.

the rolls, though it is possible that in England, as in France, the original letter itself was sometimes used by the clerks of the rolls instead.[1]

It follows to some extent from this, and it is probable, that the department of the rolls was clearly separated and distinct from the rest of the chancery. The chancery rolls themselves were mainly stored in the Tower of London. Until the last few years of Edward I.'s reign the housing of the rolls had naturally, considering the continual movement of chancery, been temporary and unsettled, though they were described as being in a chest in the Tower as early as 1289, and again in 1291.[2] In 1305 Edward wrote from Carlisle directing the treasurer and chamberlains to deliver all papal privileges that had been granted to him or his predecessors, then in his treasury, to Robert Cotingham, controller of the wardrobe, that they might be kept in the Tower of London under the seals of

[1] Cf. a memorandum on the Close Rolls in 1345, that the clerk of the Prince of Wales " came into chancery at Westminster, took away the said letters patent and sought to have them enrolled " (*C.C.R.*, 1343–46, p. 669).

Nuncii were probably used by the chancery for transmitting writs to the recipients who were not likely to seek them. In 1327 the sheriff of York was ordered to receive writs from J. Bishop of Ely (the chancellor), and to send them to divers parts of the realm; he was to agree as to the costs with the keeper of the hanaper (*C.C.R.*, 1327–30, p. 155). The following letter was sent by unfortunate local instruments of the chancery to J. Thoresby in 1353.

" Alhonourable pere en dieu J par la grace de dieu Ercevesque de Everwyk Primat Dengleterre, Chaunceller nostre seignour le Roi les seons si lui plest servauntz Richard de Paunteleye et Johan Cachepol baillifs de la vile de Lodelowe salutz, et quant qils scient ou pount de reverence et honour.

Treshonourable pere vous pleise savoir qe nous esteymus requis par nostre pere et parson sire Johan de Evesham de par vous de bailler a Henri Colemon Taverner brief nostre seignour le Roi qi lui vynt ; le quel brief nous lui profrimus et comaundamus de par nostre seignour le Roi de prendre et receyver selonc sa ligeance trois foitz, et il ne voleit en nule maniere, par quoi le dit nostre parson nous pria de ceste chose porter tesmoigne ensemblement od altres bones gentz qi yfurent, cest a savoir le dit parson, Richard de Orleton, Thomas de Pirefeld, Johan de Hereford, Johan Vinfrey et altres la quele tesmoignance nous ottrieamus au dit parson, et avoms mys nos seals, Escrit a Lodelowe Lundi le iour de Seintz Simon et Jude Lan de nostre dit seignour le Roi Dengleterre XXVII et de Ffrance XIIII " (Ancient Correspondence, 40/136).

An interesting example is given by Professor Powicke, from Henry III.'s reign, of the issue of letters summoning to a general council: these are commanded in 1260 to be issued in a hurry, " et eadem brevia sine delacione mitti faciatis per nuncios cancellar(ie) sicut moris est ". A note of a chancery clerk further informs us that " Et die sabbati post missam et mensam, statim tradita fuerunt deferenda per nuncios illis quibus diriguntur una cum brevibus ad vicecomites ut ipsi propter brevitatem temporis ea deferri facerent incontinenti per nuncios diversos " (F. M. Powicke in *Essays presented to T. F. Tout*, p. 134).

[2] Maxwell-Lyte, *The Great Seal*, pp. 400, 401. There is some discussion of this subject in E. Edwards, *Libraries and their Founders*, ii. 219, but it has been quite superseded by the work of Sir H. Maxwell-Lyte.

Cotingham and of Osgodby, keeper of the rolls of chancery.[1] But in 1321 Edward II. issued an order requesting the Friars Preachers in London to cause a safe place to be assigned to the custody of the rolls of chancery, "as the king wills that the said rolls, which have, for some time, been in the house of the Carmelite Friars . . . shall be kept in their house [*i.e.* of the Dominicans], . . . until otherwise ordered".[2] The order was cancelled, however, because the rolls were in the Tower.

Probably this was the beginning of a systematic preservation of most of the chancery rolls in the Tower. The rolls of Edward III. were already there in 1330;[3] and rolls were there in 1333 when Edward III. sent for them from York,[4] and in 1334 when Michael Wath was made keeper.[5] In 1337 letters were sent to the Tower by Michael Wath, for preservation;[6] and in the same year various records were mentioned as being in the Tower when John of St. Pol was made keeper.[7] Rolls were there in 1341, when Thoresby succeeded Thomas Evesham as their keeper;[8] and in 1360 they had to be moved in order to prepare a room for the captive king of France.[9]

But now the rolls came into final contact with the institution which was to be their ultimate destination. In July 1371 William Burstall their keeper was also made warden of the House of Converts.[10] In 1373 the king granted that the two offices should be held conjointly;[11] and from that time the House of Converts gradually developed into the central storehouse for all the records of the chancery.

The House of Converts had been erected by Henry III. for the purpose of accommodating Jews converted to the Christian faith;[12] but that purpose had been to some extent frustrated by the banishment of all Jews from the realm in 1290. However, although Edward I. made arrangements for the gradual cessation of its activities,[13] converts still continued to be received into the house after his death, though in greatly reduced numbers.[14] Edward III.

[1] *C.C.R.*, 1302–7, pp. 300-301. Cf. V. H. Galbraith, "The Tower as an Exchequer Office", p. 243, *n.* 2, in *Essays presented to T. F. Tout.*

[2] *C.C.R.*, 1318–23, p. 313.

[3] *C.C.R.*, 1330–33, p. 151.

[4] *C.C.R.*, 1333–37, p. 113. They were in the treasury of the Tower.

[5] *Ibid.* 295.

[6] *C.C.R.*, 1337–39, p. 121.

[7] *Ibid.* p. 130. Others were in the abbey of St. Mary, York.

[8] *C.C.R.*, 1341–43, p. 118.

[9] *C.C.R.*, 1360–64, pp. 24, 64. In 1362 the room in the Tower in which they were kept was repaired (*ibid.* p. 336).

[10] *C.P.R.*, 1370–74, p. 128.

[11] *C.P.R.*, 1374–77, p. 451.

[12] *Deputy Keeper's Report, 57th*, pp. 1-20.

[13] *C.C.R.*, 1349–54, p. 302.

[14] *C.P.R.*, 1330–34, p. 82; *C.P.R.*, 1338–40, p. 400; *C.P.R.*, 1343–45, p. 190.

also used the institution to shelter others besides Christian Jews,[1] so that throughout all the early years of his reign it continued some part of its original life, though it was steadily decaying into complete inactivity. By 1371 the buildings of the house were "almost totally ruined";[2] and long before that time the number of converts had dwindled almost quite away.

The practice of combining the offices of keeper of the rolls and of the House of Converts began with the appointment of Adam Osgodby as keeper of the House of Converts in 1307, and after him, of William of Airmyn to both offices.[3] But it is extremely doubtful how far this was as yet used as a storehouse for the rolls. As far as can be ascertained, the bulk of them were at the Tower of London or elsewhere for many years after this;[4] though naturally a part would accompany the keeper to any headquarters he might adopt.[5] In any case, Airmyn surrendered both his office in the rolls department and in the House of Converts in 1325: he was succeeded in the former by Henry of Cliff, in the latter by Robert Holden, who was not even a chancery clerk. The next keeper of the House of Converts who was also keeper of the rolls of chancery was John of St. Pol, from 1339,[6] and he, after his dismissal from his office in the rolls department in 1340, remained head of the House of Converts until 1350. He was succeeded then by Henry of Ingelby, again not a chancery clerk, who held the office for twenty years.[7]

There is little evidence that before the work of William Burstall in and after 1371, the wardenship of the House of Converts was anything more than a sinecure office,[8] occasionally held by

[1] *C.C.R.*, 1349–54, p. 428; *C.P.R.*, 1343–45, p. 218; *C.P.R.*, 1334–38, p. 248.

[2] *C.P.R.*, 1374–77, p. 451.

[3] Tout, *Edward II.*, pp. 329, 330. Probably this came about because the disposal of the office was in the hands of the chancellor (*Rot. Parl.* i. 49).

[4] It can hardly be assumed, I would venture to suggest, that "Even under Edward II. the combination of the two offices had the advantage of securing adequate London quarters for the chancery records, which were less liable to loss when not exposed to the hazards of being carried about by a peripatetic court" (Tout, *Edward II.*, p. 329).

[5] Thus on the dismissal of John of St. Pol from office, in 1340, documents were stored at his house (*C.P.R.*, 1339–41, p. 657).

[6] See Appendix III.

[7] I have been unable to verify the statement of the Deputy Keeper (*57th Report*, p. 20), either that there were nine keepers of the House of Converts between 1307 and 1377, or that of these eight had been keepers of the rolls of chancery. Cf. W. J. Hardy, in the *Middlesex and Hertfordshire Notes and Queries*, ii. 56, who states, for instance, that Henry of Ingelby was a keeper of the rolls of chancery under Edward III.; and Professor Hamilton Thompson, in the *Yorkshire Archæological Journal*, xxv. 247.

[8] The salary was 20 marks (*C.C.R.*, 1349–56, p. 428). Most of the previous keepers recently "had not cared to dwell there" (*C.P.R.*, 1374–77, p. 451).

chancery officials, but not permanently connected with the department of the rolls. It was Burstall who between 1371 and 1377 repaired and enlarged the whole building,[1] and associated it permanently with the office of the rolls. Although even after that the rolls themselves were probably divided between the House of Converts and the Tower,[2] the former storehouse had definitely begun the process which made it ultimately the home of the most important of our national records.

§ 2. The only other important department, with a separate office within the chancery, was that of the hanaper. This was much less important than the department of the rolls. It can scarcely be said, at least in the fourteenth century, that the keeper of the hanaper was "next to the chancellor himself the most important person connected with the sealing of instruments to be issued in the King's name".[3] Existing since the period 1244–55, the chief business of this department consisted primarily in receiving the fees that were paid on charters and letters under the great seal, making what payments from this that were commanded, and accounting for the whole proceeds annually (after 1323) at the exchequer. It had a separate office at Westminster, probably before the end of Edward III.'s reign.[4] But the keeper of the hanaper himself was not normally, under Edward III., a clerk of the first grade, and he seldom appears prominently in the records of the chancery.

The two main charges which were made in the department were those of "great" and of "little" fee. The conditions under which a great fee was charged on charters or letters from the chancery are not precisely known: "some grants involving a diminution of the royal authority or revenue for a limited time were occasionally subjected to the great fee, but account after account [of the keeper of the hanaper] draws a distinction between grants '*ad vitam*' liable for the Little Fee, and those '*in feodo*' liable for the Great Fee."[5]

[1] *C.P.R.*, 1374–77, p. 451. [2] Maxwell-Lyte, *The Great Seal*, pp. 401, 403.

[3] *Ibid.* p. 283. Cf. *infra* pp. 70, 71.

[4] *C.C.R.*, 1385–89, p. 191: "To the keeper of Westminster Palace . . . to assign to John Ravenser, king's clerk, keeper of the Hanaper . . . another house for keeping parchment, wax and other things needful for his office . . . namely that one within the Palace, upon the corner, between the great kitchen and the 'picher-hous', until the king shall provide him with another, as the house assigned of old time, for the purpose, is accidentally destroyed by fire."

[5] Maxwell-Lyte, *The Great Seal*, p. 334. Cf. *C.P.R.*, 1343–45, p. 570. A clear distinction is made here between a simple confirmation, requiring a small fee, and a letter in the shape of a confirmation, but containing virtually a new grant of land, and requiring a larger fee. Both payments (20s. 4d. and £8 : 7s.) are greater than the normal fee at this time, entered in the hanaper accounts, and probably include additional payments to chancery officials.

The two kinds of payment were first recorded in John's reign,[1] when the great fee was one mark of gold and ten marks of silver for the chancellor, one mark of silver for the vice-chancellor, and five shillings for the wax: the small fee was one mark of silver for the chancellor, one bisant for the vice-chancellor, one bisant for the protonotary, and twelve pence for wax.[2] But this list of fees which John adopted seems to have been based on precedents dating as far back as the reign of Henry II. By Edward III.'s reign the fee was inclusive, £7 : 11 : 8 for charters of great fee, and 16s. 4d. for charters of small fee,[3] but this did not include other payments to chancery officials.[4] In 1347 original writs from the hanaper cost 6d. each; writs of judgment cost 7d., the extra penny being the cost of the justice's seal.[5] In 1350, after the institution of the seals of the two benches, the cost of writs of judgment was said to amount to 10d. in all.[6] Except for the case of a poor man who would swear to his poverty, some payment seems to have been made normally for all writs sought from the chancery, unless the keeper of the hanaper was specially directed—usually by writ of privy seal—to issue them free of charge.[7] In addition, some distinction seems to have been made between writs that were necessary and those which were luxuries.[8] The imposition of these fees met with considerable opposition. The fee for writs of judgment in particular was considered excessive. In 1347 the commons petitioned that a special small seal be instituted for these, so that the cost of sealing might be 3d. instead of 6d., but their request was refused.[9] In 1350 they considered the same writs so expensive that they asked if writs might be issued under the seals of the justices only as in the case of assizes, etc.; but they were told their request was unreasonable.[10]

Another and increasing source of income for the hanaper was that received from the payment of fines, in addition to the ordinary fee of the seal, by the recipients of chancery writs. The practice of making extra charges in chancery, for the issue of writs, was not new;[11] in 1334 the commons had petitioned that men might have their writs out of chancery without having to pay an extra fine, and the king had conceded this for writs of course.[12] But it

[1] Hardy, *Introduction to the Rot. Chart.* p. vii.
[2] *Foedera*, i. 76.
[3] Hanaper Accounts, P.R. *passim*. Cf. the Ordinance of 12 Richard II., where the great fee is £8 : 9s. and the small fee £1 : 2 : 4. But this probably included the extra payments to chancery officials.
[4] Maxwell-Lyte, *The Great Seal*, p. 332.
[5] *Rot. Parl.* ii. 170. Cf. *E.H.R.*. xlii. 401.
[6] *Rot. Parl.* ii. 229.
[7] Maitland and Pollock, *History of English Law*, 2nd edition, i. 195; *Rot. Parl.* ii. 170.
[8] Maitland, *ibid.* 195.
[9] *Rot. Parl.* ii. 170.
[10] *Ibid.* ii. 229.
[11] *Rotuli Oblati et Finibus*, pp. v, vi, x, xi.
[12] *Rot. Parl.* ii. 376.

seems probable that in 1341 an attempt was made to systematise the practice. The keeper of the hanaper received an order "to receive money which those who make fines in chancery wish to deliver to him, and to retain it, to do therewith what shall be enjoined upon him"; [1] and in June 1342 justices of assize were ordered not to proceed with cases unless a reasonable fine was expressed in the writ.[2] All writs concerning land above two messuages, four tofts, or twenty acres, or worth more than twenty shillings rent, were to bear a fine; and in the following July, justices in Assizes of Novel Desseisin were ordered to take reasonable fines "with consideration of the lands sought, and the estate of the parties", in writs concerned with tenements exceeding ten acres or £10 rentage yearly, "unless the writs are granted, according to endorsement, at the instance of any, or for God, by favour of the court, or a reasonable fine is expressed".[3]

The result was seen in a constantly increasing income from fines received into the hanaper of chancery. Scarcely appearing in the early years of the reign, these first became a considerable item on the hanaper account in the year April 1341 to April 1342:[4] from the year 1345–46, they were regular and important, averaging from a quarter to a third of the whole income of the hanaper. Twice the commons petitioned in 1351, and again in 1354 and 1371[5] against a petty financial extortion which was aggravating and injurious to judicial efficiency, to an extent out of all proportion to the income it brought in; but they obtained no satisfaction, and the system continued to the end of the reign.

The last regular source of income to the hanaper was derived from the issue of judicial writs from the two benches. In the early years of Edward III. these were sealed, like original writs, with the great seal of the king, if that was available, except those which concerned the pleas of the exchequer; and this must have been a source of income for the hanaper, for in 1338 the keeper

[1] *C.C.R.*, 1341–43, p. 22. By King and Council.

[2] *Ibid.* p. 540. Applicants in chancery had been understating the value of the land concerning which they were seeking writs. [3] *Ibid.* p. 633.

[4] From 1329–30 J. Wodehouse accounted for £2 received from fines (Exchequer Accounts, E./101/211/15). In the account 1338–39 there were entered nine separate fines (P.R. 184 m. 43d). In the period April 1341 to April 1342, £456 : 10s. was received in fines (P.R. 187). No more were recorded until 1345–46, when £70 was received; but in the following years, 1346–47 and 1348–49, the amounts were £173 : 9 : 4 and £375 : 6 : 8; and from that time the fines were a regular and increasingly important item in the accounts (P.R. 191, P.R. 192, P.R. 194; Exchequer Accounts, E./101/212/4).

[5] *Rot. Parl.* ii. 229-30, 241, 261, 305. The first petition said: "Qar homme prent ore en la Chauncellerie Fyns de chescun maner du Briefs et ceux Fyns serront paiez maintenant en la Haneper, qe de cea en arere ne estoit fait". Cf. Stubbs, *C.H.* ii. 637.

of the hanaper, John Wodehouse, with the chancellor of the exchequer, petitioned against the growing practice of issuing them from the law courts under the seals of the justices alone.[1] But the first mention of a separate income from judicial writs in the hanaper accounts was for the year 1344–45;[2] and this was not paid directly into the hanaper until the period January to September 1357,[3] when the keeper of the hanaper received £220 from Hugh Aston for judicial writs in the benches. From this time £200 to £350 was received every year by the hanaper from the same source.

During these years the income of the hanaper department thus steadily increased.[4] The keeper of the hanaper accounted for it annually at the exchequer; but he did not pay much of it directly to the treasury. He usually paid £500 a year to the chancellor, for the maintenance of the household of chancery. In the first few years of the reign the old practice[5] was revived of granting to the chancellor all the issues of the seal. Hothum received them the day after Edward's coronation;[6] but when, in March 1328, Henry of Cliff temporarily kept the seal and maintained the household of chancery, he only received the usual fee of the chancellor.[7] In March 1329, however, the issues of the seal were again granted to Burghersh the chancellor,[8] and he received them until November 26, 1330,[9] the last occasion in Edward III.'s reign when they were granted out.

Besides this regular fee of £500 the keeper of the hanaper paid out directly the wages of the staff of his little department; himself, the spigurnel, the "portejoie", and a boy.[10] He also provided robes for the same, including one for the clerk of the office, and paid for the upkeep of two horses and for the purchase

[1] *E.H.R.* xlii. 401.

[2] Exchequer Accounts, E.101/212/3; P.R. 190; Hanaper Account, P.R. 191. [3] Hanaper Account, P.R. 202, m. 40.

[4] Small items also included in the income were payments made in chancery on the restitution of temporalities which had been in the king's hand, and a small fee, occasionally received for the loan of services of the spigurnel from chancery.

[5] It had occasionally been the practice as late as Edward II.'s reign. R. Baldock received the issues of the seal from February 3, 1325, to his dismissal in October 1326 (*C.C.R.*, 1333–37, p. 62; T. F. Tout, *Edward II.*, p. 183, *n.* 1; *Chapters*, ii. 310). This must be taken to modify Professor Tout's statement in *Edward II.*, p. 182, that Baldock received only the accustomed fees of his office.

[6] *C.C.R.*, 1327–30, p. 265. [7] *Ibid.* p. 371. [8] *C.C.R.*, 1330–33, p. 73.

[9] *Ibid.* pp. 73, 381; P.R. 176 m. 51. The overthrow of Isabella and Mortimer occurred in October 1330: the issues of the seal were resumed to the king on November 4, but on the 14th they were again granted to Burghersh.

[10] A "sub-clerk" who worked in the office did not receive a separate salary, receiving, presumably, his emolument along with other chancery clerks.

of the necessary material (wax, parchment, etc.) for making the chancery writs—not more than £100 in all.

Small grants of many kinds were also made directly from the hanaper, generally by warrants under the great seal. In 1332 John Stratford was allotted and received £200;[1] and in 1337 Robert Stratford was granted £500 a year, though he did not receive much of this from the hanaper,[2] and some of it was never paid.[3] In 1340 a grant of £200 which was made to the latter was found to be beyond the resources of the hanaper: half was accordingly transferred to the bailiffs of Norwich; but neither half was ever paid.[4] Robert Bourchier, after the crisis of 1340, received much larger amounts;[5] but after him no large grants to the chancellors were made from the hanaper income. After 1350–51, and with the rise in prices after the Black Death, a small supplement to the chancellor's fee became the custom, to make up for the increased cost of robes; but the chancellors at the end of the reign again dispensed with this.

Small grants and payments to chancery clerks continued to be made throughout the reign. In 1364–65, shortly after the issues of writs in the two benches began to be paid to the hanaper,[6] there first appeared also in the hanaper account the expenses (£1 : 16 : 6) for wax, etc., for judicial writs; and in 1366–67 the keeper of the hanaper of the common bench first received £4 for his wages from the hanaper, both of which items continued to appear for the remainder of the reign.

In the middle years of the reign extensive grants were also made outside the narrow circle of chancery officials. Queen Isabella drew £250 in the year 1348–49, £550 in 1349–50, £1000 in 1350–51, and £750 in 1353–55.[7] Before this, by 1347, Edward had granted to William of Yarmouth, whom he had lately appointed his attorney, the issues of all judicial writs in

[1] *C.C.R.*, 1330–33, p. 508; P.R. 177, m. 35 (payment of £200, November 1331 to November 1332).

[2] *C.C.R.*, 1339–41, p. 144; P.R. 184, m. 43d; P.R. 185.

[3] *C.C.R.*, 1339–41, p. 603.

[4] *C.P.R.*, 1340–43, p. 32; *C.C.R.*, 1339–41, p. 547. In 1341 when Edward cancelled all grants to Stratford, neither part had been paid (*C.P.R.*, 1340–43, p. 32; *C.C.R.*, 1339–41, p. 603). Nothing was paid to Stratford in the account of September 30, 1339, to April 16, 1340 (P.R. 185). In the account from April 1340 to April 1341 he received £60 (*ibid*). In the first account £174 : 12 : 8 was paid into the exchequer; in the second £202 : 9 : 10.

[5] He received a grant of £500 in 1341, besides £100 yearly. In the hanaper account for April 1340 to April 1341 he received £79: in the year April 1341 to April 1342, £421: in that from April 1342 to April 1343, £150; and in that from April 1343 to April 1344, £100 (P.R. 185, P.R. 187 m. 47; P.R. 198, m. 44; P.R. 189).

[6] P.R. 210, m. 39.

[7] P.R. 194, m. 43; P.R. 195, m. 40; P.R. 196, m. 45; P.R. 199, m. 40.

the two benches, in return for a payment of 250 marks to the keeper of the hanaper, and for a payment of 300 marks in discharge of the king's debts;[1] and twice, in 1348 and 1349, he made the same grant to different people, in return for payments of 280 and 200 marks.[2] In 1356 he made the concession to Antony Bache in return for a payment of 200 marks directly to the exchequer.[3] But after this large grants ceased to be made from the hanaper income, and increasingly large payments were made directly to the exchequer.

Section II—The Officials of Chancery

Long before the reign of Edward III., the supremely important business of chancery had necessitated a large and well-ordered staff. The organisation of the office was both elaborate and efficient, but partly for that very reason little is known about it. Nothing has survived in England, before Richard II. for example, corresponding to the regulations that were frequently issued with regard to the French chancery, and which form an important source for the history of that office. The nearest approach to this, for the reign of Edward III., is an oath taken by chancery clerks in 1346;[4] but this can fortunately be supplemented in the first place by a passage in *Fleta*,[5] which shows some fourteenth-century officials and institutions already existing in the reign of Edward I., and in the second by an ordinance regulating the chancery, attributed to the reign of Richard II.,[6] which, in spite of some uncertainty which still exists as to the date of its composition, is by far the most fruitful source of information for the organisation of chancery through all the later middle ages. Besides these, there is the *Tract of Maisters in Chancerie*,[7] written in the last years of the sixteenth century, extremely untrustworthy as regards the early history of the Masters, but at least giving a general, though partisan and largely traditional, view of the most important activities of the highest grade of chancery clerk, in the period preceding the sixteenth century. Some information concerning the activities of chancery clerks can also be obtained, of course, from the chancery records themselves.

[1] *C.P.R.*, 1345–48, p. 531.

[2] In 1348 to J. Padebury, and in 1349 to Antony Bache (*C.F.R.* vi. pp. 89, 184; *C.C.R.*, 1345–48, p. 476).

[3] *C.P.R.*, 1354–58, p. 476.

[4] *Statutes of the Realm*, i. 306.

[5] *Fleta, seu Commentarius Juris Anglicani sub Edwardo Rege Primo*, London, 1685.

[6] The *Ordinaciones Cancellarie* printed in *Orders of the Court of Chancery*, Sanders, G. W., London, 1845. See Appendix VI. *infra*.

[7] *Tract of Maisters in Chancerie*, anonymous, edited by F. Hargrave, London, 1785.

The names of clerks appear at the foot of many of the letters issued from chancery: most of the activities of the clerks outside chancery are recorded on the rolls of the office; and some of their work within the office is recorded in the Chancery Warrants and the files of Ancient Correspondence, in the writs or letters, that is to say, authorising or discussing chancery work.

Despite this, the initial problem of the size of the chancery staff is in itself a difficult one. There is no information on this point in the oath of 1346, but in the *Ordinaciones Cancellarie* of Richard II.'s reign[1] the number of "greater clerks" was given as twelve, and it was decreed that each one should have under him three clerks, writing *sub nomine magistri*. There were also twelve clerks of the "second grade" each having *sub nomine suo unum clericum duntaxat minime uxoratum scribentem ad sigillum*. Two of these second-grade clerks, however, the "clerks of the crown", were to have under them not one but two subordinate clerks. The ordinances further decreed that there should be twenty-four "cursitors"; they did not explicitly command that each cursitor should write in his own name; but we can assume this was the case, for they decreed that in case of ill-health or age a cursitor might have a clerk "under his name". Finally the *Ordinaciones* declared that there should be in future six clerks under the keeper of the rolls of chancery, instead of three; though it is not clear whether or not these six were to write in their own name. From the fact that previously the keeper of the rolls had been on the same footing as other great clerks, it may be assumed that they had not. In any case, the sum total of clerks alone in the office of chancery, according to the ordinances, was at least a hundred and one. The problem is, to what extent does that represent the state of affairs in the reign of Edward III.?

It is clear, in the first place, that at least it represents a considerable development from the protonotaries, preceptors, examiners, and *clerici juvenes et pedites* of the time of *Fleta*. But it is not probable, in the second, that it differs greatly from the staff which existed during the greater part of Edward III.'s reign. There is no indication that any extensive reorganisation occurred during that period. The twelve clerks of the first grade and twelve of the second existed from the first years of the reign. No definite figures occur for the rest of the clerks; but it is possible that some indication may be afforded of their numbers by the names that appear on the chancery writs.

These, according to the ordinances, would be as follows: twelve names of clerks of the first grade, twelve of clerks of the second grade, and twenty-four cursitors, giving a total of forty-

[1] See Appendix VI. *infra*.

eight. They appear in considerable numbers during the reign of Edward III., but, as has been pointed out elsewhere,[1] they were not in use to the same extent throughout the whole reign. Before 1354 they only appeared regularly on writs for inquisitions of *Ad Quod Damnum*, a few other writs returned to chancery, and some of the charters and more important letters; but after 1354 the names can be examined on almost every kind of writ. Thus the number of different names to be discovered in the early years of Edward's reign is comparatively small. In 1338, for example, a year in which on one occasion no less than fifteen chancery clerks are named in the body of one writ,[2] only twenty-two different names are recorded at the foot of the writs for inquisitions of *A.Q.D.*, preserved in chancery.[3] For the year 1340 there are twenty-five. But in later years the numbers are much greater. In 1369 on writs of *Ad Quod Damnum*,[4] and of *Post Mortem*,[5] on those preserved in the files of Exchequer Warrants,[6] and on the letters patent in the *Brevia Regia*, Tower Series,[7] there appear altogether fifty different names.[8] A considerable number of these names cannot be identified, though it must be emphasised that most of them appear many different times on the chancery writs.[9] This

[1] *J.R.L.B.* viii. 1, pp. 134-7. [2] *C.C.R.*, 1337–39, p. 447.
[3] Inquisitions of *A.Q.D.*, files 244, 245, 246, 247.
[4] Inquisitions of *A.Q.D.*, files 367, 368, 369, 370.
[5] Inquisitions of *P.M.* f. 206.
[6] Exchequer Warrants, E./404/60/62. There was one name in Chancery Miscellaneous Inquisitions 89/3, and in Exchequer Various 359/2.
[7] *Brevia Regia*, Tower Series, G., file H 19.
[8] It must be observed that the name "Lincoln" is not among this number, though it appeared on chancery writs both in 1368 and 1377 (Inquisitions of *P.M.*, f. 198-9; Inquisitions of *A.Q.D.*, f. 392).
[9] The list for 1369 is as follows:
Wollore, D. Keeper of the rolls, 1345 to 1371.
Tamworth, J. Clerk of the crown, 1344 to 1374, (see p. 85 *infra*).
Mirfeld, W. Clerk of the first grade, 1361 or 1362 (see p. 169 *infra*).
Newenham, T. Clerk of the first grade, 1376 see p. 173 *infra*).
Cotingham, T. Clerk of the first grade, 1361 (see p. 168 *infra*).
Freton, J. Clerk of the first grade, 1376 (see p. 177 *infra*).
Barton, P. Clerk of the first grade, 1376 (see p. 176 *infra*).
Scarle, J. Received attorney in Chancery in 1378 (*C.P.R.*, 1377–81, p. 259).
Burstall, W. Keeper of the Rolls, 1371 (see p. 171 *infra*).
Ravendale, M. Clerk of the first grade, 1376 (see p. 174 *infra*).
Suth, probably J. of Suthwell, who received attorneys in chancery in 1367 (*C.P.R.*, 1364–67, p. 373).
Ardern.
Coddington, H. Clerk of the first grade, 1375 (see p. 175 *infra*).
Shilt = Hilton, J. (?), a clerk of chancery in 1374 (*C.C.R.*, 1374–77, p. 2).
Gressley.
Tissington, R. Clerk of the first grade, 1376 (see p. 176 *infra*).
Hanley, J. John Hanley, clerk, received attorneys in chancery in 1371 (*C.P.R.*, 1370–74, p. 93).

is the greatest number which occurs in one year, though in some other years the number is not far short of this. If the organisation of the office was the same between 1369 and the date of the

---

Spaigne, N. Clerk of the first grade, 1370 (see p. 172 *infra*).

Etton, T. On December 2, 1372, Richard Ravenser (keeper of the hanaper of chancery) delivered a box containing a charter, etc., to William Burstall, keeper of the rolls of chancery, by the hands of Thomas de Etton (*C.C.R.*, 1369–74, p. 484).

Colingb = Colyngborn, J. (?), who received attorneys in Ireland in 1377 (*C.P.R.*, 1377–81, p. 27).

Elsham, J. One of the clerks of chancery in 1367 (*C.P.R.*, 1367–70, p. 65).

Melton, R. In 1379 he was presented to a living in the church, along with a group of chancery clerks: in 1385 he was described (deceased) as under-clerk of parliament (*C.P.R.*, 1377–81, p. 329; *C.P.R.*, 1381–85, p. 535).

Stanley, T. He received a promotion at the same time as R. Melton. He received attorneys in 1384 and 1385, by licence of John Waltham (*C.P.R.*, 1381–85, pp. 381, 572). In 1387 he received attorneys nominated in Ireland (*C.P.R.*, 1385–89, p. 276).

Middleton, T. On November 4, 1380, a writ was issued allowing Thomas de Middleton to absent himself from Ireland during his service in England as clerk commoner in the chancery, notwithstanding the late ordinance in parliament (*C.P.R.*, 1381–85, p. 11). This does not mean necessarily that he had not been in England before this.

Sutton, R. On October 5, 1377, a letter was issued appointing Robert de Sutton, king's clerk, keeper of the rolls of chancery in Ireland (*C.P.R.*, 1377–81, p. 27).

Farington, R. He was described as a clerk of chancery in *C.P.R.*, 1389–92, p. 196.

Askeby, Robert (?) See *infra*, p. 89, *n.* 2.

Burton, J. In 1384 J. de Burton was described as servitor of the king and clerk of the chancery (*C.P.R.*, 1381–85, p. 445).

Botheby, J. He received attorneys in chancery in 1367 (*C.P.R.*, 1367–70, p. 36).

Berlethorp.

Clifton.

Craw.

Duffeld = Thomas Duffeld (?), described as a king's clerk in 1371 (*C.P.R.*, 1370–74, p. 145).

Endon.

Etam.

Foxton = Richard de Foxton (?), king's clerk, presented by the chancellor to a living in 1379 (*C.P.R.*, 1377–81, p. 385).

Laundes, G. He was described as a clerk of chancery in 1370 (*C.P.R.*, 1367–70, p. 366).

Lee.

Muskham, Robert. He received attorneys in chancery in 1378 (*C.P.R.*, 1377–1381, p. 268).

Orlynesburgh.

Power, W. Clerk of the first grade, 1341 or 1350 (see p. 165 *infra*).

Rowendon. A certain William de Rowedon was presented by the chancellor to the church of St. Petroc, Exeter, but he was not described as a king's clerk (*C.P.R.*, 1367–70, p. 312).

Rasen, J. John Rasen, king's clerk, was presented to a living by the king in this year (*C.P.R.*, 1367–70, p. 332).

Ordinaciones Cancellarie, as is probable, the number of clerks in the office would also probably be the same. It is unlikely to have been greater in 1369 than it was at the later date.[1]

Of the clerks of chancery, those of the "first grade" were easily the most important. They were second in the chancery only to the chancellor himself; for the keeper of the rolls still ranked among them and made up their number, and they were frequently in charge of the great seal. They were usually clerks of long standing and service in the chancery, and formed the most stable and, in some respects at least, the most important part of the whole office.

There were twelve of them, and new appointments were only made as vacancies occurred. During Edward III.'s reign their number is very frequently mentioned,[2] and Professor Baldwin seems to have been misled (possibly by *Fleta*) in asserting that, during the reign of the first three Edwards their "number was traditionally six, although it was sometimes not more than three or four".[3] How far the number was maintained at twelve may be gathered from an entry in the hanaper account for the year 1343–1344.[4] Besides the normal yearly allowance of £6 : 0 : 8 for robes, a special allowance was made for a robe for David Wollore. The reason was that on the death of Thomas Evesham the chancellor had promoted David Wollore to fill his place, and had ordered him to be given a robe along with the other clerks who normally received robes (*i.e.* clerks of the first grade). But this was not carried out, because John of St. Pol, who had been disgraced in November 1340, remained in chancery "in statu unius clericorum ad robas." The king therefore commanded William Ravendale "that he provide John of St. Pol with a robe on account of his past and present services; and the king caused allowance for this same robe to be made."

Slene = William de Slene (?), an attorney in 1369 (*C.P.R.*, 1367–70, p. 214). He was presented to a living by the chancellor in 1371 (*C.P.R.*, 1370–74, p. 131). He was from the county of Lancaster (*ibid.* p. 202).

Tirwhit. William Tirwhit, clerk, was mentioned in 1372 (*C.P.R.*, 1370–74, p. 227).

Stifan.

Brac = John Branketre (?), clerk of the first grade, 1362–75 (see p. 169 *infra*).

Ravenser, R. Created clerk of the first grade in 1363 (see p. 170 *infra*). (Ravenser and Hauk are the two names to be discovered in the letters patent in the *Brevia Regia* series, not appearing in the other collections of writs.)

Hauk.

[1] Changes in the chancery staff during 1369 might make the number of names appearing on chancery writs slightly greater than forty-eight.

[2] *E.g. C.P.R.*, 1358–61, p. 501; *C.P.R.*, 1374–77, p. 81.

[3] Baldwin, *King's Council*, p. 79, *n.* 2.

[4] P.R. 189.

In theory the clerks of the first grade seem to have been elected by the chancellor with the advice and assent of some, at least, of the clerks of the office. In the *Ordinaciones Cancellarie* it is laid down that nobody be received into the first or second grade, unless by due election by the greater clerks. The chancellor should proceed "per debitam eleccionem et maturitatem clericorum de prima forma tunc presencium; et de eorum majori et seniori consilio procedat Cancellarius de persona facienda". In actual practice we find that David Wollore was created a clerk of the first grade, according to the keeper of the hanaper,[1] by the chancellor, Robert Parvyng, with the assent of all; whilst a certain Nicholas Lyndewode, otherwise exceedingly obscure, petitioned the chancellor[2] in the early part of Edward III.'s reign for what can only have been a similar promotion, "quod sibi assignare velit locum competentem in cancellaria iuxta Henricum de Edenstowe ex parte sinistra, inter eundem Henricum et Ricardum de Birland, et quod nomen suum, eodem modo, intretur in rotulo de cancellaria". The petition was not sent straight to the chancellor, however, but, possibly, as suggested by the P.R.O. officials, by way of Robert Stratford, who urged the chancellor "negocium eiusdem clerici in ipsa billa contentum, precipere velitis amore nostro feliciter expediri".[3]

But it is clear that the appointment of new clerks did not rest with the chancellor and his officials alone. In 1333 the chancellor was ordered, from the king,[4] to appoint as clerk of the first grade, Master John de Langetoft, whom the king had nominated with the assent of the council. And in 1372[5] John Knyvet, the chancellor, "admitted at the king's will, the king's clerk, Simon Multon, doctor of laws, as one of the clerks of chancery of the first form". The further evidence that the letters patent promoting Roger Chesterfield in 1360,[6] and Henry Codington in 1375,[7] were issued by warrant of privy seal, and that the letter promoting Richard Ronhale in 1382[8] was authorised by the king, might merely prove that the chancellor had sought confirmation

[1] P.R. 189.

[2] Ancient Correspondence, 39/14. Edwinstow was a clerk of the first grade from 1329, possibly earlier, until 1349 or 1350, but Birland does not appear in this capacity under Edward III. Cf. Sir H. Maxwell-Lyte, *The Great Seal*, p. 12, who decides that the letter was probably addressed to John Stratford.

[3] Ancient Correspondence, 39/14 *a*.

[4] *C.P.R.*, 1330–34, p. 474. Cf. *C.C.R.*, 1333–37, p. 141.

[5] *C.P.R.*, 1370–74, p. 193. In 1354 the engagement of John Branketre, public notary, to serve the king in chancery (and probably in the first grade of clerks) was authorised by the king (*C.P.R.*, 1354–58, p. 168).

[6] *C.P.R.*, 1358–60, p. 501.

[7] *C.P.R.*, 1374–77, p. 81.

[8] *C.P.R.*, 1381–85, p. 168.

for elections he had made; though even that fact is significant. Similarly, the privy seal writ requesting the promotion of Walter Skirlaugh, on October 4, 1376,[1] might be only a formal warrant.[2] On the same day, however, we have a privy seal writ [3] adding a grant of forty marks to Skirlaugh's promotion, and continuing "And we wish John Bouland to be removed from that degree and place which he occupies at present in chancery, and that our letters patent regarding 40 marks annually be revoked". This was October 4, 1376, in the great constitutional crisis of that year; and it is safe to assume that neither the appointment nor the dismissal were due primarily to the chancellor. But it clearly cannot be assumed simply that "the right of appointing them [the greater clerks] was formerly vested in the Crown".[4] It seems probable that in theory the appointment and promotion of chancery clerks lay in the hands of the chancellor, with some help from the chief officers of the department, and that this was to a certain extent the case in practice; but the appointments were also subject largely, as indeed was the case in every office of administration, to the personal wishes and influence of the king.[5]

It is certain that the clerks of the first grade performed a very great part of the responsible work within the office of chancery. The brilliant generalisation endorsed by Maitland,[6] however, that if the chancellor was secretary of state for all departments, the greater clerks were the under-secretaries, applied to the reign of Edward III., would exaggerate somewhat the importance of their work outside the office of chancery, which, although normally falling to their lot, was performed by virtue of special commissions and did not constitute the essential and permanent part of their

[1] Chancery Warrants, I./446/31096; to have the same estate as John Branketre, clerk, deceased, had.

[2] Cf. a writ under the secret seal of Edward II., addressed to the keepers of the great seal: "Edward par la grace de dieu Roi Dengleterre Seigneur Dirlande et Ducs Daquitaine as Gardeins de nostre graunt seal salutz. Por ce qe nous voloms qe nostre bien ame William de Harewelle escrive a nostre graunt sicome il soloit vous mandoms qe ce le receviez et facez entrer son noun en roule entre les nouns de autres clercs de nostre Chauncellerie. Donne sous nostre secre seal Shepeye le darrein iour Daugst Lan de nostre regne X^dme" (Chancery Warrants, Various, f. 1329/37). Cf. a similar order by Edward II. in 1323, removing John Blebury and substituting John Hildesle (Maxwell-Lyte, *The Great Seal*, p. 4).

[3] Chancery Warrants, I./446/31097. Bouland had only received his grant of 40 marks on February 15, 1376 (Chancery Warrants, I./445/30912). It was in 1376 also that he first acted along with clerks of the first grade (*Rot. Parl.* ii. 321).

[4] Maxwell-Lyte, *The Great Seal*, p. 7.

[5] In the reign of Edward IV. the chancellor is said to have acquired the right, which he exercised till 1833, of appointing eleven of them (Holdsworth, *History of English Law*, i. 417).

[6] *Memoranda de Parliamento*, 1305, p. xxxvii.

work. This lay within the office, in activities which the chancellor had much more completely relinquished. The normal duties of the latter now lay more, perhaps, outside than within his own department of administration; but the greater clerks had as their first and most important task the running of the great office of chancery itself, which, wide as its activities were, did not, any more than the exchequer or the wardrobe, do the work of all the modern departments of state. Many duties that are now the work of one department were then the work of all. Thus, though chancery clerks were regularly employed on diplomatic embassies,[1] and on special commissions of almost every kind,[2] though they took part, for instance, in arranging the subsidies of 1332,[3] 1334,[4] and 1338,[5] negotiated loans[6] for the king, supervised the supplying and fitting out of ships,[7] the purchasing of food[8] or the export of wool,[9] they were only, in this, sharing a task common to all the civil service of the time.

Their work in the chancery is recorded partly in the letters issued under the great seal, and in the departmental rolls; but both of these are disappointing in their formality and uninforming routine. The letters—most accessible in the files of Chancery Inquisitions, Chancery Writs and Returns, and Exchequer Warrants—are useful most of all for the names of the chancery clerks which they contain; and a careful analysis of these promises to throw considerable light on the processes by which they were drawn up. The files of Chancery Warrants and of Ancient Correspondence give some information as to the means by which writs were obtained. But the part played by the clerks of the first grade is chiefly to be discovered from the description of chancery clerks in *Fleta*, from the oath of 1346, and from the *Ordinaciones Cancellarie* of 12 Richard II.

The most important of the greater clerks had charge of the departmental rolls. He was appointed by the king, and took a special oath of office. He had under him a special staff of clerks of the rolls, and had, on occasions, a dwelling separate from the household of the chancellor. But his activities were by no means confined to the office of the rolls. He was normally the chancellor's lieutenant, with or without the help of other clerks of chancery, during the chancellor's absence from duty. He was,

[1] *E.g. Foedera*, ii. pt. 2, 1119; *C.C.R.*, 1333–37, p. 116.
[2] *E.g. C.P.R.*, 1343–45, p. 411; *ibid.* pp. 406, 592; *Foedera*, ii. pt. 2, 875, 897; *C.P.R.*, 1334–38, p. 213.
[3] *C.C.R.*, 1330–33, pp. 587-90.
[4] *C.C.R.*, 1333–37, pp. 357-8.
[5] *Ibid.* p. 231. Thos. Evesham.
[6] *E.g. C.C.R.*, 1333–37, p. 504; *Foedera*, ii. 1116; *C.C.R.*, 1346–49, p. 266-8.
[7] *E.g. C.C.R.*, 1333–37, pp. 397, 573.
[8] *E.g. C.P.R.*, 1330–34, p. 418.
[9] *E.g. C.C.R.*, 1339–41, p. 24; *C.P.R.*, 1338–40, p. 285.

in Edward III.'s reign, invariably chosen from the greater clerks of chancery, and represented a continuity of office contrasting greatly even with that of the chancellors. From 1325 to 1381 there were nine keepers of the rolls, whilst from 1326 to 1377 there were twenty chancellors. From 1327 to 1340 there were three keepers of the rolls, whilst the office of chancellor changed hands nine times. From 1340 to 1381 there were five keepers of the rolls, not counting Kilsby, and of these the first only held office for two months, the other four holding it for forty years.

Only one keeper of the rolls was promoted to the office of chancellor. Michael Wath and John of St. Pol had their careers in the chancery cut short by the crisis of 1340. Thomas Evesham seems only to have been a stop-gap. Wollore held the office for twenty-five years, until he died. And William Burstall, after ten years' service, himself petitioned to be superseded in the office. Professor Tout's summary of the keepers in Edward II.'s reign still holds good in that of his successor: the official head recedes into the background, whilst the office increases in importance. Thus David Wollore was seldom mentioned in the chancery records during all his years of office, outside the narrow routine work of his department. Although the keeper of the rolls still remained a member of the king's council,[1] his work was undoubtedly becoming more specialised and more strictly departmental. But within those limits it is probable that he was becoming not less but much more important. Soon, probably in Richard II.'s reign, the number of assistant-clerks in his office was to be doubled ;[2] already there are indications of a position and importance in the chancery that almost constitute him, for some affairs, the working head.

He was, as we should expect, in immediate control of the records. It was to Michael Wath, keeper of the rolls, that the Bishop of Ely wrote, on February 10, 1335, asking that a recognisance of debt be cancelled, on payment of the debt.[3] He was also directly responsible for the drawing up of many of the chancery writs. No name appears as frequently as his on writs for inquisitions sent under the great seal; and very many requests appear, unfortunately undated as yet, addressed to clerks who were at one time keepers of the rolls, in all probability asking them, in that capacity, to issue or facilitate the issue of writs.[4] In 1347

[1] *C.C.R.*, 1364–68, p. 404.

[2] *Ordinaciones Cancellarie*, Appendix VI. *infra*.

[3] Ancient Correspondence, 39/124. A similar occasion is recorded in *C.C.R.*, 1337–39, p. 516.

[4] Thus Richard la Vache formally notified David Wollore that William Melton, knight, had done homage for his lands (Ancient Correspondence, 40/82). Hugh Hastings wrote saying that Hugh Mortimer had been discharged

Edward III. himself wrote to David Wollore, keeper of the rolls, saying that Bartholomew Burghersh had sent a man to Ireland; if the man came to chancery to purchase writs, would Wollore cause them to be delivered to him as quickly as possible.[1] The keeper of the rolls was still at the head of the more infrequent commissions holding the great seal in the absence of the chancellor; and it is clear that with a negligent or politically minded head, it was he who supervised much of the routine work of the office of chancery.

Other chancery clerks of the first grade were also in charge of the great seal during any temporary absence of the chancellor from office.[2] It is fairly certain, however, that they did not normally have charge of the seal on any other occasion. Although, in 1332,[3] John Stratford delivered up the seal, by the king's orders "under the seals of Robert Stratford and Henry Edenstowe, who had that day sealed writs patent and charters by order of the chancellor"; and in 1335[4] Robert again received the seal from his brother the chancellor, took it to the church of Saint Mary's Abbey, York, and caused writs to be sealed with it; yet we know that Robert's position in the chancery at that time was exceptional. And such entries in the chancery rolls as "be it remembered that these letters were sealed in the presence of the king, the chancellor being absent",[5] and "Be it remembered that these five letters of pardon were sealed in the absence of the chancellor, as appears by a memorandum on the dorse of the close roll for this year",[6] suggest strongly

---

by the council from the duty of finding men-at-arms for the king, and asking for writs of discharge to be issued (*ibid.* 40/74). William Hugate wrote asking for a writ to be sent to the sheriff of Kent, bidding him release 100 acres of meadow which he had taken for the king's use (*ibid.* 40/75). John of Norwich wrote to John of St. Pol, in all probability in 1337, when he was keeper of the rolls, saying: "Honeurs et treschers amistez, Trescher Sire ioe vous enmercy entierement de la bone diligence qe vous avez mis entour mes besoignes. Et vous prie sire qe assiablement voillez aider devers mon seignour le Chanceller qe ioe puisse aver brief direct as bailiffs de Jernemuth' pur aver liveree des Niefs en lour baillie suffisauntes pur moy mes gentz et mes vitailles et pur LXX chivaux. Et de aver protectiouns pour monseignour Johan de Ffourneaux monseigneur Johan Nugoun Henry de Hawile et pur moy. Et ioe faz et ordene mes generals attornez Mestre Richard de Ling' et Johan Ffraunceys de Shadingfeld, etc." (Ancient Correspondence, 39/103). John of Norwich had been made admiral of the fleet to the north in 1335; he went overseas in August 1337 (*C.P.R.*, 1334–38, pp. 56, 501).

[1] Chancery Warrants of P.S., I./317/18146.

[2] See Appendix III. *infra*.

[3] *C.C.R.*, 1330–33, p. 550.

[4] *C.C.R.*, 1333–37, p. 493.

[5] *C.P.R.*, 1340–43, p. 301. See also *C.P.R.*, 1343–45, p. 39.

[6] *Ibid.* p. 214. Or again: "Be it remembered that these letters were sealed in the king's presence, at Havering-at-Bowe, on 1st June, to wit, Whitsunday, the chancellor being absent."

that the sealing of writs in the absence of the chancellor, when the seal was not in commission, was an exceptional event.[1]

But if the greater clerks did not normally control the sealing of writs, it is certain that they largely controlled the making of them. In this connection the three brief contemporary descriptions of the activities of different grades of chancery clerks are of considerable importance. Firstly, according to *Fleta*,[2] there were in the chancery of Edward I. *praeceptores*, skilled in law, and "colleagues" of the chancellor himself, who heard those who came seeking writs from chancery, and "commanded" for each the right kind of writ. There were, besides, clerks who examined every writ before it was sealed, in *ratione*, *litera*, *dictione et syllaba*; and no writ was to come to be sealed except by their hands. Thirdly, there were a number of protonotaries, whose duties are not given, but who, along with the clerks already described, were *familiares* of the king, and were entitled to write writs according to different complaints.[3] There were finally younger clerks who made writs of course, under the

[1] The position is hardly adequately described by Sir H. Maxwell-Lyte: "Although the chancellor could delegate the manual work of sealing writs to subordinate members of his official staff he never entrusted them with the great seal during his own absence, and he did not always appoint deputies" (*The Great Seal*, p. 295).

[2] *Fleta*, p. 75. Holdsworth notices the different names *Fleta* gives to these chancery clerks, rightly classing them together as clerks of the first grade (*History of English Law*, i. 417). But *Fleta* does not, it may be suggested, call any of them *praeceptores* of the chancellor: they were commanders of writs.

[3] "Quia ad brevia scribenda secundum diversitas querelarum sunt intitulati." This passage in *Fleta* is a puzzling one. The duties of the protonotaries are clearly described, but their position in the chancery has been frequently misunderstood. Professor Holdsworth, for instance, says: "In addition to the Masters, the Chancery possessed an extensive staff of clerks. The most important of these are known as the Six Clerks. Their duty was to write and examine the writs before they were sealed. If a wrong writ was issued, they were liable. They were under the superintendence of the Master of the Rolls, and assisted him in keeping the rolls." And he quotes *Fleta*: "Habet etiam sex clericos suos praenotarios in officio illo, etc." In the first place, however, this description seems to confound the protonotaries with the six clerks of the rolls department, who did not exist until the reign of Richard II., and were certainly not "Familiares regis", as *Fleta* says the protonotaries were. In the second place it is extremely likely that the protonotaries were among, and not in addition to, the greater clerks: they were important persons, they were "Familiares regis", and in the reign of King John had been among the foremost clerks of chancery. In the third place it is by no means certain that there were six. They are never mentioned elsewhere as being six, whilst it is worth noticing that the previous passage in the copy of *Fleta* begins with an almost identical phrase—"Habet etiam *Rex* clericos in officio illo legaliter expertos qui formas brevium cognoscunt, etc." It may be conjectured that the protonotaries were not primarily engaged in the work of supervising the issue of ordinary chancery writs, a fact which perhaps partly explains the description of their work in *Fleta* (W. S. Holdsworth, *History of English Law*, i. 421).

direction of more important clerks. The latter were responsible for the writs; and the name of the writer ought, it was said, to be entered on each writ.

Secondly, according to the oath of 1346, there were still, under Edward III., "commanders" who had power to order some of the more important kinds of writs,[1] and examiners with a duty similar to that under Edward I. All writs, the oath of 1346 suggests, were submitted by the cursitors to the examiners, before sealing.[2]

Thirdly, according to the *Ordinaciones Cancellarie* of 12 Richard II., we still have the examiners after Edward III.'s reign;[3] and no clerks of the second form might take a writ to be sealed, unless it had first been examined. This did not, apparently, apply to clerks of the first form; but none of these except the commanders (*preceptores*), and the keeper of the rolls, could fold letters for the seal (*Et quod nullus eorumdem duodecim plicet brevia communiter ad sigillum*), unless by the command and the liberation of the chancellor or keeper of the rolls (*nisi ex liberacione et precepto . . Cancellarii*). The meaning of *plicet brevia communiter ad sigillum* is obscure: possibly it refers specially to letters close, which may have been so folded that after sealing they could not again be opened without breaking the seal.[4] The official who actually affixed the seal did not, of course, open the letters; so that the clerk who folded them had an extremely responsible post. But letters patent may well have been folded, in some cases, preparatory for the seal. At any rate, it is clear that even clerks of the first grade had not all access to the great seal with their writs; whilst the examiners inspected all writs not made by clerks of the first grade.

It can hardly be doubted that there were commanders and examiners in the reign of Edward III., and that they were normally clerks of the first grade. They had been the most important clerks in chancery as early as Edward I. In *Fleta* the commanders were described first of all, and were regarded as colleagues of the chancellor. They were still the most important at the time of the ordinances; here the examiners were described as clerks of the

[1] According to the MS. version adopted in the *Statutes of the Realm* they alone had the power to command these types of writs; but according to other and probably later copies of the oath, this power was shared by the chancellor and any of the masters.

[2] Though the version of this in some printed copies of the oath runs: "ne nul brief qui soit de commandement ne liverez a les examinours ne au seale".

[3] There were six examiners and two commanders at the time of the ordinance.

[4] See Chancery Warrants, I./4/352. Sir Henry Maxwell-Lyte has stated that letters close were so folded for delivery that they "could not be opened without smashing the seal or severing the tongue on which it hung"; but elsewhere he greatly qualifies this statement (*The Great Seal*, pp. 303, 392).

first grade; and though the commanders were not actually described as being in the same grade, the position given to them in the work of the office is at least as important.

Examiners of writs had been mentioned in the records as early as Edward I.'s reign,[1] and in that of Edward II.[2] I have not discovered a reference to them in the reign of Edward III.; but their names appeared, as in the previous reigns, on charters and letters patent.[3] Some of those who were mentioned were clearly clerks of the first grade. John de Langetoft was appointed to that rank in 1333,[4] and was an examiner in 1336. Edmund Grimsby and Robert Kelleseye were probably in the first grade in 1341,[5] when they appeared as examiners. But I cannot find that John Blebury and Thomas Evesham, examining in 1327 and 1329, were clerks of the first grade at that date; or that Robert Muskham and John Burton were clerks of the first grade in 1378 when they acted as examiners; whilst I have not been able to discover William Wellingrove, John Pokelyngton,[6] John Tamworth, or John Colyngham, all of whom examined in the period, acting otherwise

[1] *C.C.R.*, 1302–7, p. 352. 1305, Geoffrey Welleford.
[2] *C.P.R.*, 1317–21, p. 1. 1317, Roger Sutton.
[3]

		Examiners.	*Mention of Clerk.*
Exeter Charters, xviii. . .	1320	W. Herlaston	W. Herlaston.
Salter, *Archives of Oxford*, pp. 108-9	1327	John Blebury	Walton.
Exeter Charters, xix. . . .	1329	Thos. Evesham	Evesham.
Salter, p. 129	1336	J. de Langetoft Wm. Welingrove	
City of London Documents (Guildhall) . . .	1341	Edmund Grimsby Robert Kelsey (Kelleseye)	Whithurst.
Salter, pp. 161-6 . . .	1356	J. de Pokelington J. de Lanc'	J. de Lanc'.
Birch, *Charters of Lincoln*, pp. 62-7	1361	J. de Tamworth J. de Colyngham	Tamworth.
Birch, pp. 68-9 . . .	1378	Robert Muskham John Burton	Muskham.
Exeter Charters, xxii. . .	1379	Robert Muskham John Burton	

A number of charters for Edward III.'s reign have no mention of examiners on them. Thus a letter of confirmation of Edward III. to the city of Oxford in 1336 had the mention "With", with no examiner (Salter, p. 129). One to Exeter in 1365 had the mention "Burstall, with no examiners" (Exeter Charters, xxi.). Another letter to Exeter, in 1332, had the mention "Evesham" and no examiners (*ibid.* No. xx.). It is noticeable that after 1336 on the documents given above, there are always two examiners on a document.

[4] *C.P.R.*, 1330–34, p. 474.

[5] They received petitions in the parliament of 1341, a duty usually falling to the lot of clerks of the first grade (*Rot. Parl.* ii. 126).

[6] But John de Pokelyngton received attorneys in 1348 (*C.P.R.*, 1345–48, p. 446); but see *infra*, p. 80, *n.* 7.

as clerks of the first grade, in Edward III.'s reign at all. Indeed, it seems probable that Tamworth was clerk of the crown [1] at the time when he appeared as an examiner, in which case he would, according to the ordinances, be in the second grade. Thus in Edward III.'s reign, in contrast with the situation at the time of the *Ordinaciones*, the office of examiner was probably not confined to clerks of the first grade; but at the same time their position in chancery, both under Edward I. and at the time of the ordinance, makes it probable that they were mostly in the highest rank of chancery clerk.

The only indication we have in the records of the work of the commanders appears in a phrase occurring on the back of some types of chancery writ. It appeared first on the writs of *Ad Quod Damnum* as early as Henry III.'s reign, as *Cancellarius precepit*,[2] in the reign of Edward I. as *Ricardus Bard' precepit*,[3] and in the reign of Edward II. as *Roger de Bard' precepit per cancellarium*,[4] or *Adam Osgodby precepit per cancellarium* [5] or *Magister Henricus de Clyf precepit*.[6] Usually the name alone appeared in Edward III.'s reign; but it seems to represent the same process as in Edward II.'s time, and to record, as at the earlier time, the clerks who had "commanded" the writs.[7]

So far as it appears from the considerable number of writs returned to chancery during Edward III.'s reign, these clerks were a small and select body. Thus, in 1369, there were forty-eight different names on the face of writs for inquisitions of *A.Q.D.*, of *P.M.*, and of Chancery Miscellaneous Inquisitions, and on the chancery writs preserved among the Exchequer Warrants; but there were only five on the back, all on writs of *A.Q.D.* In 1349 there were eighteen on the face and three on the back; in 1346

[1] See p. 85 *infra*. [2] Chancery Inquisitions of *A.Q.D.*, file 2 and file 3.
[3] *Ibid.* file 41. [4] *Ibid.* file 66. [5] *Ibid.* file 66.
[6] *Ibid.* file 192.

[7] When the clerk is of the first grade the name in the dorse is often that of the chancellor or keeper of the rolls. Occasionally the same name is in front and on the dorse.* In one case in 1336 Henry Edwinstow's name appeared on the front, with John of St. Pol's behind;† in another in the same year it was behind, with "Knaresborough" in front.‡ Thomas Evesham was in front with Wath's on the dorse, in July 1340; in December 1340, he was on the dorse, with Knaresborough and Geoffrey de Laundes in front.§ But Evesham was acting as keeper of the rolls at least as early as January 3, 1341. In 1341 "Seint Poul" is in front, Thos. de Evesham on the dorse (*A.Q.D.*, file 256). But John of St. Pol had probably been reduced in rank. In spite of these examples showing the intricate nature of the subject, it seems quite possible that a more exhaustive analysis of the names might give some interesting general rules.

* Michael Wath 1337 (Inq. *A.Q.D.*, file 239). Evesham 1341 (*A.Q.D.*, file 256).
† Inq. *A.Q.D.*, file 237. ‡ Inq. *A.Q.D.*, file 252. § Inq. *A.Q.D.*, file 254, 255.

there were twenty-five on the face and four on the back. The names on the back usually included the keeper of the rolls and the most prominent of the chancery clerks of the first grade; [1] whilst the chancellor himself was frequently referred to, in the mention *per cancellarium*. A further investigation among the great mass of original documents in the P.R.O. and elsewhere may reveal more names in this group, and may throw light on the particular types of writ on which certain names appear; but it is probable that even with further investigation it will be found that the commanders of Edward III., as at the time of the ordinances of 12 Richard II., were essentially a restricted body, a section of the greater clerks of chancery.

Besides examining and commanding writs, some clerks of the first grade probably constructed or supervised the construction of writs. Thus in 1343 the Master of King's Hall, Cambridge, paid four shillings to Elias Grimsby, who was then a clerk of the first grade, for the composition (*dictamine*) of an instrument concerning certain advowsons, and two shillings to his clerk for the writing (*scriptura*) of the same.[2] A distinction is made, in the *Ordinaciones Cancellarie*, between the writs usually drawn up by clerks of the first grade and those drawn up by the second grade or by cursitors, but how far this existed in the reign of Edward III. is an interesting problem that still remains to be solved.[3] It is clear, however, that in practice clerks of the first grade assumed the immediate responsi-

[1] In 1369 the names on the dorse were Wollore, Cotingham, Power, Mirfeld, and Ravenser (Chancery Inquisitions of *A.Q.D.*, file 367). Wollore was keeper of the rolls, Power, Mirfeld, and Ravenser were all clerks of the first grade. Ravenser's promotion was recorded in the rolls in 1363 (*C.P.R.*, 1361–64, p. 280). In 1346 the names on the dorse were, the Chancellor, John of St. Pol, Wollore. and Thomas Brayton (Chancery Inquisitions of *A.Q.D.*, files 280-82). John of St. Pol. had been restored to his rank of greater clerk at least as early as 1345 (see p. 156 *infra*); Wollore was keeper of the rolls; and Thomas Brayton had been a receiver of petitions in parliament as early as 1332 (*Rot. Parl.* ii. 68). In 1349 the names on the back were again John of St. Pol, David Wollore, and Thomas Brayton (Chancery Inquisitions of *A.Q.D.*, files 291, 292, and 294).

[2] Maxwell-Lyte, *The Great Seal*, p. 265: the name of the clerk is here given as Sir Ellis of Grimsby.

[3] In twenty-four letters in a fair state of preservation and ranging from 1358 to 1361, handed in to the exchequer with an account of Richard Ravenser, it is interesting to notice that thirteen had mentions of service, "by K.", "by P.S.", or "by C."; and eleven had no mentions. On the thirteen there were five different names—Coddington, Stok', Bintwerth, Burstall, and Ravenser. On the eleven there were two only, Burstall and Wollore. Wollore, who was keeper of the rolls, did not appear on the thirteen writs at all; but of the eleven his name was on eight, that of Burstall on two (Exchequer Accounts, E.101/393/7). On the other hand, among the documents subsidiary to the Exchequer Accounts, for the years 39 Edward III. to 46 Edward III., on thirteen letters patent without warrant, there were no less than nine different signatures (Exchequer Accounts, E.101/397/4).

bility for the issue of a great proportion of the most important chancery writs.[1]

A third function performed by clerks of the first grade in chancery is not so important in itself as on account of the prominence given to it in the chancery rolls. When attorneys were nominated, in Edward III.'s reign, either to represent a man in his absence from the country, or to take charge of his general interests at any time, it was usual for them to be formally "received" in chancery, and for their names to be recorded on the chancery rolls. Receiving and formally recognising attorneys was practised in the chancery of Edward I., and Edward, with his usual care for the smooth running of the judicial machine, made it possible for attorneys to be received outside chancery as well.[2] But the process was not regularly recorded by the chancery clerks, on the departmental rolls, until after the early years of Edward III.[3] After 1337, however, both the names of the attorneys were noted, and of the clerks who had "received" them; though these were not all clerks of the English chancery.

The oath of 1346 does not indicate what type of clerk would be recorded in the chancery rolls as receiving attorneys;[4] but the *Ordinaciones* are more explicit. Here it is stated in the first place that both first and second grade clerks can receive attorneys; but

[1] The actual working of the system is well illustrated by a writ to the chancellor, falling between 1329 and 1350: "Tres honourable piere et Seignur. Endroit des busoignes touchantes Navarre qestoient acordees en vostre presence, ioe baillai ent la fourme a sire Henri de Edenestowe pur les exploiter souz le grant seal selonc ceo qe fut acorde, et verremient sire, pur la diversete des condicions et des faitz—touchauntz les persones as queux le Roi escrivera et qe les choses sont si prolixes si me fut vis qeles ne poeynt mie bien aver este mises en arrai en lettre souz le prive seal saunz trop longge demoere, enz regard a la haste qe le portour de cestes avoit, par qoi vous pleise sire moi ent aver pur excusez, et taunt faire sil vous plet qe le dit portour eit les dites choses souz le grant seal hastiement selonc le dit acord, et sil vous busoigne sire daver sur cestes choses garaunt vous laverez prestement selonc vostre devis. Dieu par sa grace sire vous tigne bone vie et longge. Escrit a Wircestr' y ce vendredi le XVII^me^ iour de Juyn" (Ancient Correspondence, 41/144). Similar examples occur in Chancery Warrants, f. 1767, and *Rot. Parl.* i. 437 *a*. [2] *Statutes of the Realm*, i. 131.

[3] In 1326 the citizens of Norwich were granted attorneys for three years, the letter having the mention of service "by K." (*C.P.R.*, 1324–27, p. 262); but there is no record of attorneys being received. Similarly attorneys were recorded but not received on p. 281, and *C.P.R.*, 1321–24, p. 23. But in 1324 "Robert Hemmingburg, clerk of chancery, received the attornment by the chancellor's orders" (*C.C.R.*, 1323–27, p. 326). In 1337 Reginald Cobham nominated attorneys, and it was noted, "The chancellor receives the attornment" (*C.P.R.*, 1334–38, p. 416). Later in the rolls, though dated earlier in the year, an entry recorded that Thomas Evesham received attorneys (*ibid.* p. 428) and after that similar records became very frequent.

[4] In the printed copies of the oath the *clerici de cursu* were not to "record" attorneys without special permission.

in the writs recording them, and presumably in the rolls as well, the second grade clerks shall be described as doing it by the licence of the first: in the second place, that only clerks of the first form shall receive general attornments.

In Edward III.'s reign also there are indications of a similar rule. Generally speaking, it is quite clear that the most important chancery clerks received attorneys only at approximately the same time as they performed other characteristic duties of clerks of the first grade. In a specific period, 1338–40, for example, Thomas Bamborough, John Langetoft, Thomas Brayton, Henry Stratford, and John Thoresby, receiving attorneys in chancery,[1] were in all probability clerks of the first grade.[2] William Brampton, who was certainly not a greater clerk, only received attorneys by writ (*i.e.* outside chancery);[3] whilst John Watenhulle most probably received attorneys not in the English chancery, but in Ireland.[4] In the period 1345–48, the names of those receiving attorneys were nearly all those of important clerks such as David Wollore, John of St. Pol, John Marton, William Emeldon, Thomas Sibthorp, Edmund and Elias Grimsby, and Thomas Brayton.[5] Other clerks, J. Watenhulle, J. Charnels, J. Scarle, W. Burgh, John Askham, and William Newenham, all received the attorneys in Ireland.[6] Walter Power, however, received attorneys in the English chancery, but did not act in other capacities as a greater clerk until 1350; whilst J. Pokelyngton, who received attorneys on January 14, 1347[7] was not recorded elsewhere as a clerk of the first grade. Despite this it seems clear that the clerks who received attorneys in chancery were normally chancery clerks of the first grade.

A fourth duty of chancery clerks of the first grade, and an

[1] *C.P.R.*, 1338–40, pp. 7, 98, 115, 192, 468.

[2] John of St. Pol was keeper of the rolls (see Appendix III. *infra*); Thomas Bamborough had been on a commission holding the great seal in the absence of the chancellor, as early as 1332 (*C.C.R.*, 1330–33, pp. 550, 573; *C.P.R.*, 1330–34, p. 269). John Langetoft had been promoted to the first grade in 1333 (*C.P.R.*, 1330–34, p. 474). Thomas Brayton was on a commission holding the great seal in December 1340 (*C.C.R.*, 1339–41, pp. 653, 656), and had been receiving petitions in parliament as early as 1332 (*Rot. Parl.* ii. 68). Henry Stratford was receiving petitions in Parliament in 1340 (*Rot. Parl.* ii. 112).

[3] *C.P.R.*, 1338–40, p. 6.

[4] *Ibid.* p. 52. William Kilsby also received attorneys, but it was at Antwerp; (*ibid.* p. 192). The Abbot of Burton-on-Trent also received them, but not in chancery (*ibid.* p. 259).

[5] *C.P.R.*, 1343–45, pp. 239, 528, 532, 561; *C.P.R.*, 1345–48, pp. 8, 10, 58, 80, 82, 91, 94, 120, 157, 272, 333, 356, 360, 401, 408, 416, 422, 430, 431. William Emeldon (*C.P.R.*, 1343–45, p. 209) had received attorneys as early as 1337, and acted as receiver of petitions in parliament in 1341.

[6] *Ibid.* pp. 155, 239, 445; *C.P.R.*, 1345–48, pp. 67, 72, 191, 416.

[7] *Ibid.* p. 446. The attorneys in this case were only appointed in the King's Bench. Pokelyngton was an examiner of writs in 1356 (see *supra*, p. 76).

exceedingly important one, was that of keeping the records of, and helping to deal with, the judicial business of parliament. A description of their work in parliament is given in the treatise *Modus tenendi Parliamentum*,[1] a compilation probably belonging to the latter half of the fourteenth century, and giving an ideal and not very trustworthy account of parliament at the period. But with regard to the duties of the chancery clerks it seems to be substantially correct. There were two principal clerks appointed among the officials of parliament, it asserts, whose duty it was to record all pleas and transactions of parliament. They sat among the judges "not subject to any", and received one mark a day for maintenance. There can be no doubt that this was a description of the clerk—only one was recorded—elected each session during Edward's reign, as clerk of parliament; and that he was a chancery clerk of the first grade.[2] The rolls of parliament were his work, and apparently he issued copies of the proceedings to members, on demand, charging a penny for every ten lines of script.[3] By the time of Edward III., the laborious task of entering in the rolls a summary of each petition to the king, and its reply, was being largely dropped, the bundles of original writs in chancery acting as sufficient record, though these did not provide such a complete check on chancery proceedings in regard to the endorsed petitions as had been afforded by the earlier rolls of parliament.[4]

Besides filling the office of clerk of parliament, chancery clerks of the first grade acted as receivers of petitions. Before the reign

[1] Published in *Political Tracts*, edited by L. Heyworth (London, 1845), and in Stubbs, *S.C.* pp. 500-506. It is here described as "a somewhat ideal description of the constitution of parliament towards the end of the fourteenth century" (p. 500). Cf. Baldwin, *King's Council*, p. 70, *n.* 1. Baldwin suggests that the treatise belongs to the early part of the century "as suggested by Hardy and Stubbs". It is placed in the later part of the century by Professor Tout, *Mélanges d'histoire offerts à Henri Pirenne*, ii. 561.

[2] The clerk of parliament also occasionally acted as a receiver of petitions in parliament, along with the greater chancery clerks (*Rot. Parl.* ii. 112, 146-7). In any case a chancery clerk who was equal in rank to the judges must have been of the first grade; besides the payment attributed to him of 6s. a day seems to mark him off as a clerk of the first grade. In 1334 Henry Edwinstow had evidently held the position for a considerable period, and was exempted from service outside chancery (*C.P.R.*, 1330–34, p. 527). He was acting in 1330 and 1332 (*Rot. Parl.* ii. 68, 255). Thomas Brayton held the office regularly from 1340–46; and J. Coddington after him (*Rot. Parl.* ii. pp. 112, 126, 135, 147, 157, 226, 236, 254. Cf. *infra*, p. 82, *n.* 6). For Henry Edwinstow see *infra*, p. 149.

[3] *Modus tenendi Parliamentum*, p. 32. Similar information was issued on one occasion at least from chancery (*Rot. Parl.* ii. 254). In 1354 the Ordinances of the Staple were read before parliament, and then "feust dit as Chivalers des Countees de suyr devers le Chaunceller, pur avoir copie des dites Ordinances et q'ils se ent avisereient, et q'ils mettereient en escript ceo qe lour semblera qe serroit ajouster ou ent amenuser".

[4] Maitland, *Memoranda de Parliamento*, 1305, pp. lxiii, lxiv.

of Edward III. this position was not always filled by chancery clerks;[1] but after 1327 this was invariably the case.[2] Though their duty was still perhaps, as under Edward I., "to receive and sort" the petitions presented in parliament, the disposal of the petitions was now in the hands of two or more groups of "auditors" or "triers" of petitions assigned in each parliament, who appear to have represented constitutionally the ordinary king's council.[3] The groups generally consisted of bishops and barons and justices, six or seven in all. They disposed of most of the petitions either by answering them, or by transmitting them to another court. Those reserved for the king and council they kept under their own seals, at least after 1332.[4] Those still to be dealt with remained under their seals in the hands of clerks. Those decided went under their seals straight to chancery for execution.

The numbers of chancery clerks engaged on this work varied; generally there were only three for petitions concerning English matters, and three for petitions concerning Wales and possessions abroad. In the parliament of 1340, when the connection with Flanders was close, J. Thoresby was appointed alone to receive petitions concerning Flanders.[5] Among the receivers of petitions in parliament were some of the best known chancery clerks. The same names re-occur year after year. Thomas Brayton was a receiver in every parliament except two, where they were recorded, for fifteen years,[6] and Elias Grimsby in every parliament for fourteen.[7] It was seldom that many of the receivers were new in one year. Changes were more frequent in the years of troubled politics, especially at the end of the reign. Five out of six of the receivers were new in the parliament of 1341;[8] in 1371 there

[1] In the parliament of 1305 there were only two chancery clerks among the receivers of petitions (Maitland, *Memoranda de Parl.*, 1305, p. lvii). In the parliaments of 1316 and 1320 chancery clerks and exchequer clerks divided the office (J. C. Davies, *Baronial Opposition*, pp. 519, 520).

[2] *Rot. Parl.* ii. pp. 68, 112, 126, 135, etc.; the chancery clerks being described as such in the rolls.

[3] Cf. Dr. Ehrlich, *Proceedings against the Crown*, 1216–1377, pp. 188, 189. The first mention of these "triers" was, apparently, in 1308.

[4] *Rot. Parl.* ii. 68. In this year "triers" were described as *Triours et Terminours*.

[5] *Rot. Parl.* ii. 112. In the same parliament an exceptional group of triers was appointed, consisting only of two justices, with Thoresby and William de la Pole; whilst for those petitions sent *coram rege* by the triers a number of magnates were specially appointed, thus relieving both king and council of the duty.

[6] From 1340 to 1355, except for 1341 and 1343 (*Rot. Parl.* ii. 112, 146, 164, 225, 236, 254, 264). The name appears as Drayton in the *Rot. Parl.*, but there is not sufficient evidence to assume the existence of a Thomas Drayton as well as Thomas Brayton among the greater clerks of chancery at this time.

[7] From 1341 to 1355 (*ibid.* 126, 135, 146, 164, 225, 236, 254, 264).

[8] *Rot. Parl.* ii. 126. The only two lists which can be compared with that of 1341, however, are 1340 and 1332 (*ibid.* ii. 112, 68).

were four out of seven;[1] and in 1376 there were six out of nine.[2] It is clear that great importance was attached to the presenting and receiving of petitions, and to the work done by the chancery clerks in parliament.

The last great work of chancery clerks of the first grade was that of helping the chancellor in the purely judicial duties of his office. Though not by any means the least important it was perhaps the least recorded of their activities. Only very rarely do we find cases like that in 1325 when a petition delegated to the chancellor from the council is recorded as being passed on into the hands of a chancery clerk.[3] It seems probable nevertheless that the important part played by chancery clerks as colleagues and advisers of the chancellor in his judicial work contributed not a little, ultimately, towards the growth of the chancellor's independent exercise of equity in the chancery.

Besides the greater clerks there were twelve clerks of the second grade who held positions of some importance in the chancery. But these were not mentioned in the oath of 1346; and they were only mentioned twice by name in the records, so far as I have noticed, for all the reign of Edward III. Once was when in 1351 Henry Haydock "one of the twelve king's clerks in chancery, of the second form" was allowed to retain his rank in chancery during a temporary absence.[4] His career, however, throws little light on the normal activities of second-grade clerks. The second occasion was when Henry Cotingham, a clerk of the second form, was made keeper of the rolls of chancery in Ireland; but Cotingham's career is as uninformative as Haydock's.

An occasion when a number of clerks of the second grade might be identified is when, in 1338, a list was sent to the treasurer, of chancery clerks who had been "sent to divers counties on the king's affairs".[5] Five of these clerks were paid four shillings a day, and fourteen received two shillings. None of the former had apparently taken part in the most important work of their office, and they received two shillings a day less than that attributed to the clerk of

[1] *Rot. Parl.* ii. 303. [2] *Ibid.* ii. 321. [3] *Ibid.* i. 437 *a*.

[4] *C.P.R.*, 1350–54, p. 114. Haydock seems to have been in chancery at least from 1331 (*C.P.R.*, 1330–34, p. 102). He was certainly a chancery clerk in 1338, when he received 2s. a day for service outside the chancery (*C.C.R.*, 1337–39, p. 447). His name does not, however, appear on any of the chancery writs, at this time, that I have examined. He was mentioned in the chancery rolls twice in 1350, and in August of the same year went on a pilgrimage (*C.P.R.*, 1348–50, pp. 515, 525, 560). In 1351 he entered the service of the Duke of Lancaster, but retained his rank in chancery (*C.C.R.*, 1350–54, p. 114). By January 1353 he had been promoted to the rank of greater clerk (*ibid.* p. 397; see Chapter VI.). In 1380 Thomas Middleton, whose name appears frequently on chancery writs in the last years of Edward III., was described as a "clerk commoner" (*C.P.R.*, 1381–85, p. 11).

[5] *C.C.R.*, 1337–39, p. 447.

parliament in the *Modus tenendi Parliamentum*. The fourteen clerks received the same as the five assistants to the clerk of parliament, but their number makes it unlikely that they were clerks of the second grade. The list apparently therefore consists of five second-grade clerks, and fourteen cursitors or clerks of a still lower grade. It is interesting to notice that all of them followed the example of the greater clerks in their varied activities outside the office of chancery.

Clerks of the second grade are described in considerable detail in the *Ordinaciones Cancellarie*. Each had then a clerk under him writing in his name, and they shared with the greater clerks the supervision of the more important chancery writs, though they submitted their writs to the examiners before sending them to the seal. They also received some kinds of attorney. Three special tasks were assigned to them, that of clerk of the petty bag (*de parva baga*), that of scrutinising the rolls of chancery in the Tower of London, and that of reading the records and pleas of chancery There was one clerk to each of the last two tasks, more than one—possibly three [1] to the first. Besides this, the two clerks of the crown were of the second form, as the keeper of the hanaper might be; in which case special duties can be assigned to six or seven out of the twelve.

Only three of these duties, however, can clearly be discerned in the reign of Edward III. There were four keepers of the hanaper in Edward's reign,[2] none of whom was among the most prominent chancery clerks. They were all clerks, however, as they had been under Edward II., in spite of the generalisation of Sir Henry Maxwell-Lyte, that "the holder of the office might be either an ecclesiastic or a layman".[3] The first, John Wodehouse, was promoted to the rank of first grade (*clericus ad robas*) in 1340,[4] a year after he had retired from his position in the hanaper; and similarly the last one, Richard Ravenser, was made keeper of the hanaper in 1357, but was not promoted to the first grade until 1363.[5] It is clear therefore that normally, in Edward's reign, as at the time of the *Ordinaciones Cancellarie*, the keeper of the hanaper was a clerk of the second grade.

The clerks of the crown were not, in Edward III.'s reign, as their title might suggest, confidential clerks of the king. Their chief work seems to have been that of preparing writs particularly for the requirements of the household. Thus we find the keeper or treasurer of the wardrobe, or the keeper of the counter-roll in the household, addressing bills directly to Tamworth asking for writs

[1] Maxwell-Lyte, *The Great Seal*, p. 274. [2] See Appendix III.
[3] H. Maxwell-Lyte, *The Great Seal*, p. 286. Cf. T. F. Tout, *Edward II.*, p. 62. [4] *C.P.R.*, 1338–40, p. 462. [5] *C.P.R.*, 1361–64, p. 280.

to be issued for purposes of their office.[1] Besides this they may have acted along with the other chancery clerks in parliament: Thomas Favent later described how Geoffrey Martin, clerk of the crown, "read rapidly, for two hours on end, the lengthy articles of appeal", made against the king's ministers in the Merciless Parliament of 1388.[2]

According to the *Ordinaciones* there were two clerks of the crown, and each might have two clerks writing under him. In Edward's III.'s reign three clerks are mentioned, Benedict Normanton in 1331,[3] John Tamworth in 1350,[4] and Geoffrey Martin in 1376.[5] John Tamworth had been described in 1344 as "king's clerk who has long done service in the king's chancery, attending diligently to the business of the crown".[6] Since at this time Benedict of Normanton was still alive,[7] we may assume that already there were two clerks of some importance in the office of the crown; and this is clearly evident under Richard II.[8] None of the clerks of the crown under Edward III., however, were among the well-known clerks of the first grade in chancery, though this may have been due to their special duties.[9] They were not the

[1] Chancery Warrants, 1649/1316, etc., 21, 23. I have been unable to verify Professor Baldwin's statement that "Among them (*i.e.* clerks of the higher grade in chancery) were those 'more discreet' and 'more secret' . . . who were entrusted with confidential correspondence, or were employed as proctors or agents in dealing with foreign courts. Moreover there was always one, possibly there were two, in the position of 'king's clerk', who particularly attended the royal person" (Baldwin, *King's Council*, p. 79). All the chancery clerks were described as "king's clerks". The most important work of the office was given to clerks of the first grade, of whom there were twelve, though some may well have been more in the royal confidence than others. The clerks of the crown whose name might perhaps suggest that they were peculiarly in the king's confidence, were not even in the first grade; and, according to the *Ordinacio Cancellarie* at least, had to submit their letters, usually, to the examiners. Cf. F. W. Maitland, *Memoranda de Parliamento*, 1305, p. xxxvii: "As to the title 'clericus Regis', this may be borne at one and the same time by a large number of persons."

[2] *Mélanges d'histoire offerts à Henri Pirenne* (T. F. Tout), ii. 558-60.

[3] *C.P.R.*, 1330–34, p. 159.

[4] *C.P.R.*, 1348–50, p. 470. And in 1352 (*C.C.R.*, 1349–54, p. 444).

[5] John Tamworth lived until 1374, and presumably kept his office until that date (*C.P.R.*, 1370–74, p. 414). Geoffrey Martin was acting at least as early as 1376 (*C.P.R.*, 1374–77, p. 209).

[6] *C.P.R.*, 1343–45, p. 212.

[7] *C.C.R.*, 1346–49, pp. 551-2.

[8] In 1380 Edward Brudenall was described as *a clerk* of the crown (*C.P.R.*, 1377–81, p. 537). In 1385 James de Billyngford as "one of the clerks of the Crown in Chancery" received a grant of £10 a year (*C.P.R.*, 1385–89, p. 56). In 1396 he was promoted to be chief clerk of the crown (*C.P.R.*, 1391–96, p. 711).

[9] It is almost certain that Tamworth was not a greater clerk in 1344, however, when he was recorded receiving attorneys by licence of John of St. Pol (*C.P.R.*, 1343–45, p. 350).

only clerks of the office. In 1350[1] "in consideration of his unwearied labours . . . and of great expense he has laid out for the sustenance of some clerks for the said office, and will have to lay out until one of them shall be qualified to serve the king . . . in the said office", John Tamworth received a grant of £20 yearly; and Geoffrey Martin later received a similar grant.[2] These clerks of the office to which reference is made in this writ, however, were clearly not yet normal members of the chancery staff.

All the responsible work of chancery seems to have been in the hands of clerks of the first or second form. Next in importance to them were the cursitors, engaged primarily, it is presumed, on writs of course. According to the ordinances they seem also to have shared with the clerks of first and second form the task of drawing up some of the less important chancery writs. This is suggested also in the oath of the chancery clerks in 1346. A special addition was made to the oath, for cursitors, in which they were to swear not to take a writ out of the court unsealed, not to record attorneys "ne per brief ne sanz brief" without an examination of the attorneys in person, not to make a writ "que soit de comandement" unless the writ was ordered by the commander who had power to do this, and to give in person to the examiner all the writs written in their hand. It is quite clear that other names than those of first or second-grade clerks appear on the writs of Edward III.'s chancery, and these must in all probability be those of the cursitors. There is no indication that any other chancery clerks drew up writs on their own responsibility.

There must have been a considerable number of officers in the chancery besides clerks. The *spigurnel* of chancery, for instance, had charge of the actual process of sealing writs,[3] the *chafewax* was

[1] *C.P.R.*, 1348–50, p. 470; *C.C.R.*, 1349–54, p. 173. Cf. Maxwell-Lyte, *The Great Seal*, p. 272: "In the fourteenth and fifteenth centuries, there were two Clerks of the Crown in Chancery, of whom the chief drew a salary of £20 a year, and the secondary a salary of half that amount." The £20 mentioned in 1350 hardly seems to be a regular salary as yet. [2] *C.P.R.*, 1374–77, p. 209.

[3] He took the broken pieces of the old seal as perquisites of his office (*C.C.R.*, 1327–30, p. 227; *C.C.R.*, 1377–81, p. 285; *C.P.R.*, 1330–34, p. 36). The office of spigurnel was filled, during Edward III.'s reign, by Richard Spigurnel, acting in 1327 (*ibid.* p. 180). Possibly this was the Richard Knight who held office until 1339 (*C.P.R.*, 1338–40, p. 271). Henry Acum, appointed on February 11, 1339 (*C.P.R.*, 1338–40, pp. 271, 506): Robert Cousyn, appointed March 3, 1348 (*C.P.R.*, 1348–50, p. 35): Henry Cantebrugge, appointed May 26, 1349 (*ibid.* p. 300): Walter Chauntermerle, appointed for life, March 11, 1356 (*C.P.R.*, 1354–58, p. 353); and William Wightman, appointed on November 5, 1363 (*C.P.R.*, 1361–64, p. 419). Most of the appointments were by warrant of privy seal. Walter Chauntermerle had been one of the king's falconers (*C.C.R.*, 1349–54, p. 309). Henry Acum had served in the same office as chafewax under Edward II. (*C.P.R.*, 1324–27, p. 168). The chafewax under Edward III. received 10s. a year for robes; but by Richard II.'s reign this had been increased to 14s. (Hanaper Accounts, *passim*; *C.P.R.*, 1396–99, p. 116).

apparently his assistant, whose name was derived from his duties, and the *portejoie*[1] was normally responsible for transporting the departmental rolls. But these officials were only subsidiary to the clerical section, in whose hands the work of the department lay. The clerks were a highly organised and competent hierarchy with a specialisation of function and responsibility already clearly defined by the reign of Edward III. Their office in its organisation and work compared favourably with that of any other chancery in Europe. Their numbers and importance have not always been properly understood. In no other department have the officials been so overshadowed by the eminence and dignity of their chief. The greater clerks in particular have suffered in this respect: even their numbers, so well known at the time, have been a matter of doubt. Yet these clerks were, as Maitland very rightly emphasised, important under-secretaries of state; and though the responsibility for every act of his department lay with the chancellor, and with the chancellor alone, there can be little doubt that normally the smooth running of the office largely depended on the leading chancery clerks.

Section III.—Household of Chancery

Chancery clerks enjoyed security of employment, special privileges, and adequate if not usually excessive salaries. They obtained their writs from chancery free;[2] and they could only be tried before the chancellor or keeper of the seal, except in pleas which affected the king or freehold, or for felonies or appeals.[3] The chancellor provided food at least for the whole of the chancery staff; for some he may have provided lodging as well. He also provided some of the most important clerks with robes. Some clerks received direct payments of money from the crown; and clerks of all grades received considerable fees from recipients for their labour in preparing or supervising the preparation of writs.[4] Generally speaking, however, like other clerical officials of the crown, the real reward of chancery clerks for their labours took the form of promotion in the church.

All clerical administrative officials, after a reasonable term of service, came naturally to expect the gift of, and to draw the

[1] Theobald Poleyn, who held this post in 1327, was a clerk who could act as attorney (*C.P.R.*, 1327–30, p. 10; *C.C.R.*, 1333–37, p. 683). Even the *portejoie* was possibly appointed on one occasion by direction of the king. Edward wrote both to the chancellor and keeper of the rolls, from France, in 1347, giving the office to William Evesham, if Theobald Poleyn would assent, but there is no record of this change being effected (Chancery Warrants of P.S., I. /316/18066).

[2] *C.P.R.*, 1354–58, p. 476.

[3] *C.C.R.*, 1364–68, p. 290; *C.C.R.*, 1374–77, p. 2.

[4] Maxwell-Lyte, *The Great Seal*, p. 265.

stipend and neglect or delegate the duties of, some living in the church. To such an extent was this the case, that the chancellor was officially entitled to present administrative servants to benefices in the church, in the king's gift, below the taxable value of twenty marks.[1] Though, after 1330, this patronage was definitely shared between the chancery, the exchequer, and the two benches, chancery clerks obtained at least their fair share. In theory the chancellor was advised in the distribution of this additional income in his office by the clerks of the first grade.[2] In addition he was often directed by the king to appoint clerks to livings above the value of twenty marks; [3] and the vacancy of a bishopric generally brought at least one good position in the church to a rising clerk.

The lesser clerks of chancery sometimes obtained wardships or the custody of lands or even of houses,[4] or an occasional lucrative appointment like that of John Thoresby, who wound up the affairs of the "stormy petrel" Robert of Artois; [5] or even, like Richard Ravenser, they combined their work in chancery with profitable employment outside. Ravenser was keeper of the hanaper in chancery, and at the same time treasurer of Queen Philippa, from 1364 to 1367, and receiver of rents and debts on her behalf from 1368 to 1369.[6] Most of the clerks of chancery acted as attorneys, and were employed by the most prominent people of the time; and many of them, in all probability, were besides all this engaged in a flourishing money-lending profession as well.[7] A last source of income, if these were not enough, might be found in a direct grant from the king; [8] but this was not usual, for the king was always loth to drain away his always insufficient income by expenses which, by all the principles of right administration, should be met anywhere except in the royal exchequer.

Resource to the exchequer was indeed not often required: most of the chancery clerks were prosperous enough without. In 1381, according to the commons, "grant rumour en la Roialme par tout ad estee, et est, q'ils sont pur le graunde partie trop graas si bon en corps come en burse, et trop bien furrez, et lours benefices mal giez, par grevouses oppressions faitz et par eux usez vers le

[1] See *supra*, pp. 30–3.

[2] *Rot. Parl.* ii. 41.

[3] *E.g. C.P.R.*, 1338–40, pp. 55, 527; *C.P.R.*, 1334–38, p. 196.

[4] *E.g. C.P.R.*, 1338–40, p. 308; *C.P.R.*, 1345–48, pp. 13, 26.

[5] *C.P.R.*, 1343–45, p. 29.

[6] *C.P.R.*, 1370–74, p. 113; *C.C.R.*, 1364–68, pp. 28, 193, 282-3, 345.

[7] Their activities as attorneys are recorded in the *C.P.R.* for Edward III., *passim*; and their activities in money-lending appear in the recognisances for debt (*C.C.R.*, Edward III., *passim*). Cf. Maitland, *English Law*, ii. 202.

[8] *C.P.R.*, 1350–54, p. 200; *C.P.R.*, 1334–38, p. 329; *C.P.R.*, 1330–34, p. 474. Some of the grants were made from the hanaper income, *e.g.* Hanaper Account, P.R. 189, E.101/212/3; P.R. 211/39, etc.

poeple, par colour de lour office ".[1] Though, as a matter of fact, whether from official discretion or not, cases of extortion by the chancery clerks have seldom found their way into the records for the reign of Edward III.

There was not very much scope within the chancery itself, with its stable organisation and long-lived officials, for rapid promotion. The part played by political influence and patronage is not easy to estimate: though it was certainly considerable, it was probably less than in the offices of the household. In any case promotion usually stopped with the office of greater clerk, though this was one of solid dignity and considerable affluence and power. Yet it was not often that chancery clerks left the service of their department altogether. What they could do, and what chancellors apparently encouraged, was to leave it temporarily—in a few cases permanently—for similar administrative work, in Ireland or in parts of England not governed directly by the English chancery. Thus we find chancery clerks of the king in the chanceries of Ireland, Lancaster, Durham, and Berwick, and in charge of the seal of Edward Balliol in Scotland;[2] and several of them kept their rank in the English chancery, with a view to return,[3]

[1] *Rot. Parl.* iii. 101. See Appendix VI. *infra.*

[2] Robert Askeby, appointed chancellor of Ireland in 1341, was probably a chancery clerk; see p. 67 *supra* (*C.C.R.*, 1341–43, p. 56; *C.C.R.*, 1307–13, p. 563). John of St. Pol, appointed chancellor in 1350, had been keeper of the rolls in the king's chancery in England (*C.P.R.*, 1348–50, p. 555). John Botheby, created chancellor in 1371, was probably the chancery clerk whose name appeared on various chancery writs, and who was acting as chancery clerk in 1366 (*C.P.R.*, 1370–74, p. 61; *C.C.R.*, 1364–68, p. 296; Exchequer Warrants, E.404/48, 51, 52). Robert Wickford, who was made chancellor of Ireland in 1376, was a prominent chancery clerk (*C.P.R.*, 1374–77, p. 300; *Rot. Parl.* ii. 303).

Five chancery clerks, Edmund Grimsby, R. Hemingburgh, W. Withurst, Thomas Cotingham, and Robert Sutton, acted as keepers of the rolls in Ireland, during the same period (*C.C.R.*, 1333–37, p. 158; *C.C.R.*, 1337–39, p. 245; *C.P.R.*, 1345–48, p. 157; *C.P.R.*, 1354–58, p. 430; *C.P.R.*, 1377–81, p. 27).

Robert Emeldon, a chancery clerk, was appointed chancellor of the exchequer at Dublin, in 1340, especially to restore the efficiency of the office (*C.P.R.*, 1338–40, p. 532).

William Emeldon and Robert Kellesey, chancery clerks, both held the office of chancellor of Berwick (*C.P.R.*, 1348–50, p. 493; *C.C.R.*, 1339–41, p. 19).

Two chancery clerks, William Leycestria and John Marton, were promoted to the office of chancellor of Durham in 1333 and 1345 (*C.C.R.*, 1333–37, p. 156; *C.C.R.*, 1343–45, p. 528).

Thomas Thelwell, a chancery clerk, was chancellor of the Duchy of Lancaster (*C.P.R.*, 1374–77, p. 455). Henry Haydock, another, went to Lancaster in the duke's service (*C.P.R.*, 1350–54, p. 114).

In 1347 William Emeldon went to Scotland with Edward Balliol to have charge of his great seal (*C.C.R.*, 1346–49, p. 250).

[3] *C.P.R.*, 1348–50, p. 493; *C.P.R.*, 1350–54, p. 114.

ultimately becoming important clerks in their own office.[1] The system had obvious advantages for all parties: it introduced into the distant parts of the administrative machine some of the traditions and efficiency of the central body; and it gave to the clerks a chance of expressing their individuality and obtaining a first-hand acquaintance with conditions in the more distant parts of the kingdom.

Those clerks who remained in, or returned to the chancery, and worked in it until old age, generally received a pension, or entered into some sort of honourable retirement. Some of the greater clerks preferred to remain, at least nominally, in the service, enjoying the fellowship and the table of the household, without undertaking any of the heavier duties of the office.[2] The lesser clerks could obtain corodies in some abbey or religious house, to be kept by the inmates,[3] but this does not seem to have often occurred.

Clerks of all grades and departments lived together in the household, the "hospicium" of chancery. This was generally maintained by the chancellor, or, in his temporary absence—sometimes even when he was present—by one of the greater clerks, generally the keeper of the rolls.[4] It has been described, at a somewhat earlier period, as the household of the chancellor "where the celibate clerks of the office [of chancery] lived together in a semi-collegiate life";[5] and there is no doubt that under Edward III. the chancellor kept a table for all the clerks of chancery, but it is very doubtful if he provided more than a section with sleeping accommodation as well.

[1] *E.g.*, after Emeldon's return from Scotland, he acted among the receivers of petitions from abroad (*Rot. Parl.* ii. 254).

[2] John Gogh obtained leave in 1350 to absent himself from chancery, "for such time as he will, when he will, retaining his place and wages in his absence" (*C.P.R.*, 1348–50, p. 580). Henry Edwinstow, towards the end of his life, obtained a grant from the king, that he should not be sent outside chancery or parliament on any duty (*C.P.R.*, 1330–34, p. 527).

[3] *E.g. C.C.R.*, 1337–39, p. 622; *C.C.R.*, 1333–37, p. 532.

[4] *C.C.R.*, 1333–37, p. 556; *C.C.R.*, 1339–41, p. 580; Foss, *Judges*, pp. 191, 192.

[5] T. F. Tout, *Chapters*, ii. 218. Cf. also *Edward II.*, p. 338. Professor Tout has modified this view in a valuable survey of the whole subject, "The Household of Chancery and its Disintegration", recently published (O.U.P., 1927) in *Essays in History Presented to R. L. Poole*. "We have seen", he writes (p. 55) "that the 'hospicium Cancellarie' means the household of the first grade clerks only." Elsewhere (p. 54) we learn that "even this select body is only provided with clothing and food. None of our authorities say definitely that they were provided with lodging." The function of the "hospicium Cancellarie" here is therefore substantially the provisioning of the greater clerks of chancery: the term has changed its meaning completely since the thirteenth century, when it "involves first of all lodging" (cf. *ibid.* p. 49). But Professor Tout seems to revert to the older meaning in his use of "hospicium" elsewhere. Thus (p. 56) he writes,

There is no clear indication, in Edward III.'s reign, of the chancellor providing anything more for his chancery clerks than food and drink and robes.[1] Thus he received his fee of £500, "pro feodo consueto et pro expensis clericorum cancellariae ad mensam domini Regis et pro robis eorundem per annum"; [2] and in 1332 it was explicitly stated that the bishop of Norwich, on receiving the great seal in 1326, had then to "provide food and drink for the clerks and ministers of the late king's chancery".[3] The £500 received by the chancellor was apportioned out, £420 for the table of chancery, £32 for the summer robes of the clerks, and £48 for the winter robes; the cost of the household was reckoned as being 23s. a day, which is practically identical with the £420 per annum allowed for the table.[4] Moreover, although the lay chancellors had to borrow larger houses whilst they held office, a grant of £200 extra to Parvyng, towards the upkeep of the household of chancery, was only for utensils for the kitchen. Whatever may have been the custom at an earlier time, the growth of the chancery staff, its settling at Westminster, and its steadily increasing importance, made some process of disintegration almost inevitable in the early fourteenth century, and it is clear that the process had developed considerably by the reign of Edward III.

As early as 1293 the keeper of the rolls of chancery had, on one occasion, an "inn", separate from the chancellor.[5] In 1314

"The 'hospicium cancellarie' and the 'hospicium cancellarii' coincident in 1367, were different in 1362. The weight of evidence is that separation was the rule, and the combination of the two the exception." But this can only be because he has apparently regarded the "inn" or lodging of the greater clerks as the "hospicium" of the chancery in 1362 and 1367: in the former year these clerks were definitely recorded as having an "inn" of their own, in 1367 they were not. A similar use of the term occurs on pp. 59-60. To say that, about this time, "we no longer find a single hospicium but rather various 'hospicia' frequented by different groups of chancery clerks", is perfectly correct in the earlier sense of the term; but this situation is not incompatible with the existence of a single "hospicium cancellarie" in the later sense of the term, almost invariably "run" by the chancellor and apparently organised as part of the "hospicium cancellarii", in the chancellor's house. Cf. Maxwell-Lyte, *The Great Seal*, p. 9. For interesting evidence of the separate establishments of exchequer officials, see *C.C.R.*, 1364–68, p. 118.

[1] It must be remembered that archbishops and bishops, at least, inevitably had households of their own before they became chancellors. Thus if, as late as 1392, the Archbishop of York was granted a town and parish near London "to lodge his people and household and horses", because he "will the sooner, on account of his office as chancellor, be obliged to stay in the city or near it", it can hardly be assumed that this is only the household of the chancery clerks which is in question (*C.P.R.*, 1389–92, p. 489).

[2] Exchequer Accounts, E.101/212/12, 1368–69; this is the regular expression in all the hanaper accounts.

[3] *C.C.R.*, 1330–33, p. 442.

[4] *C.C.R.*, 1343–46, p. 318; *C.C.R.*, 1330–33, p. 442; P.R. 189.

[5] *Chancery Miscellaneous Inquisitions*, i. 455.

a charter of confirmation was sealed "in the chamber of Sir A. Osgodby, in his inn at London": [1] in Airmyn's time the establishment of the keeper of the rolls was clearly in the House of Converts;[2] and in 1326 Henry Cliff had separate lodgings of his own.[3] John of St. Pol had some chancery rolls in his lodging, when he was deprived of office in December 1340;[4] and Thomas Evesham, when he was keeper of the rolls in 1341, took the great seal to his house.[5]

Neither John of St. Pol nor Thomas Evesham was recorded at this time as being in charge of the household of chancery itself, though the hanaper accounts of the period contain even the smallest payments—*e.g.* £4 to Walter Power for keeping the household for three days—that were made to those "keeping" the household.[6] Thus, when in 1345, John Thoresby caused "victuals for the sustenance of him and his household dwelling in the king's service in London" to be brought to London from Oundle,[7] though he was not apparently at the time in charge of the household of chancery, it must be concluded that he was keeping a considerable establishment of his own. It may even be that as early as 1315, when the converted Jews complained that Adam Osgodby, keeper of the rolls, had made them all houseless by harbouring chancery clerks, it was not all the chancery clerks who had followed Osgodby to the *domus conversorum*, but only the clerks and attendants of the department of the rolls.[8] In any

[1] *C.C.R.*, 1313–18, p. 95. [2] *C.C.R.*, 1318–23, p. 478.

[3] *C.C.R.*, 1323–27, p. 620. He was also mentioned as having separate lodgings in *C.C.R.*, 1330–33, p. 619 and *C.C.R.*, 1327–30, pp. 215, 371, 378.

[4] *C.C.R.*, 1339–41, p. 657. [5] *C.C.R.*, 1341–43, p. 107.

[6] The chancellor's fee for the household was £500. According to the hanaper accounts he seems normally to have been in charge of the household himself. In no case does the keeper of the rolls seem to have had charge, except in the vacancy of the chancellorship. See the payments for the expenses of the household recorded in the Hanaper Accounts, Appendix V. *infra*.

[7] *C.P.R.*, 1343–45, p. 480. An item in the hanaper accounts for 1361–62 was for carrying rolls from the Tower, "usque hospicium clerici dictorum rotulorum per diversas vices hoc anno" (P.R. 207/42; Hanaper Account). Cf. Thoresby's case with that of Thomas Sibthorp in 1335 and 1336 (*C.P.R.*, 1334–38, pp. 80, 220).

[8] Professor Tout has recorded how "the house of converts also afforded accommodation upon occasion to the 'household of chancery'. Osgodby used the *domus conversorum* so freely for these purposes that the chaplains and converts complained in 1315 that he had made them all houseless and had harboured chancery clerks there, and even leased some of the tenements to strangers" (*Edward II.*, p. 329). But it is significant that the converts themselves regarded Osgodby primarily as harbouring his own clerks at the establishment. Besides, although Osgodby was at the time on a temporary commission holding the great seal, the inn of Walter Reynolds, Archbishop of Canterbury, had been in 1314 at the house of the Bishop of Rochester, London; in June 1315 the chancellor's inn had been near Aldgate, London; and later in the same year

case there can be little doubt that the keeper of the rolls had on occasions an establishment of his own, separate from the chancellor at least from the beginning of Edward III.'s reign.

In all probability this applied to some of the greater clerks as well. In 1337, when Robert Stratford was made chancellor, he carried the great seal home with him,[1] a fact which suggests that he had lodgings of his own before his promotion. He was in rather exceptional circumstances at the time; but the same could not be said of Thomas Evesham, who in 1340 took the great seal which was in his charge to his lodging in Fetter Lane;[2] nor of William Emeldon, who received an acknowledgment of debt in his lodging at Baynard Castle, London.[3] In 1341, when Thoresby was made keeper of the rolls, he was staying at the house of the Bishop of London,[4] whereas the chancellor, Robert Bourchier, had already taken the Bishop of Worcester's house for the household of his office.[5] In 1362 the clerks of the first grade had a special barge to take them from the chancery at Westminster, first to the chancellor's house, possibly at Southwark,[6] and then to their own.[7] In 1365 a trespass was recorded of W. de Nottingham, a servant "dwelling with certain clerks of the chancery".[8] In

---

it was at the house of Richard the Taverner (*C.C.R.*, 1313–18, pp. 96, 233, 314). The complaint of the converts was made about June 11, 1315, so that it hardly seems likely to have been directed against the "inn" of chancery. However, as J. Sandal, Bishop of Winchester, the chancellor, left London on July 2, it is just possible that between the 2nd and the 11th the "inn" was transferred to the *domus conversorum*. But cf. Professor Tout's "The Household of the Chancery" in *Essays Presented to R. L. Poole*, p. 69. In "The Beginnings of a Modern Capital", *Proceedings of the British Academy*, x. 504, Professor Tout has stated that "The household of the chancery sometimes lived with the chancellor, especially when he was a bishop, and therefore had a great town house. But to house a government office must have been a difficulty even for an episcopal chancellor, and an unmitigated nuisance to a lay chancellor with no adequate official establishment. In either case the household was often sent to live with the keeper of the chancery rolls, the most dignified of the chancery clerks. Before the end of Edward's reign the keeper of the rolls became *ex officio* keeper of the house of converts in Chancery Lane . . . its spacious buildings and chapel afforded a convenient residence for chancery clerks, etc." But see his "The Household of Chancery" in *Essays Presented to R. L. Poole*, pp. 63, 64.

[1] *C.C.R.*, 1337–39, p. 117.

[2] *C.C.R.*, 1339–41, pp. 655-6.

[3] *C.C.R.*, 1354–60, p. 427.

[4] *C.C.R.*, 1341–43, p. 118.

[5] *C.C.R.*, 1339–41, pp. 656, 657. References to the Bishop of Worcester's house occur also in *C.C.R.*, 1341–43, pp. 107, 691; *C.C.R.*, 1343–46, pp. 97, 225.

[6] *C.C.R.*, 1354–60, p. 635.

[7] *C.C.R.*, 1360–64, p. 237. In 1367 it was used to take them across the Thames to the Manor of Lambeth, belonging to the chancellor, Simon Langham, Archbishop of Canterbury, "where the inn of chancery is now held". On this occasion it is not stated explicitly that the clerks lived outside the chancellor's household; they may have used the barge to reach Lambeth for accommodation or only for food (*C.C.R.*, 1364–68, p. 335).

[8] *C.C.R.*, 1364–68, p. 177.

1375 Richard Ravenser, a clerk of the first grade, and keeper of the hanaper of chancery, was granted goods forfeited to the king because they had been stolen from "his inn in the suburb of London".[1]

It is interesting to compare with this the organisation of the chancery household some time later, as illustrated by the *Ordinaciones Cancellarie* of 12 Richard II. These commanded that clerks of the first grade should live together or alone, but only in households conducted by themselves, and not by clerks of inferior rank. The same applied to clerks of the second grade; except that these could live in the household of a greater clerk. Other clerks must live in the households of the clerks of the first two grades, or in honourable households, not associating with apprentices of law and other outsiders.[2] The household of the keeper of the rolls was also separately mentioned. Not only, by the time of the ordinances, was the chancery housed, apparently, anywhere but under the roof of the chancellor, but it had split up into a surprising number of small establishments, mostly run by the more important chancery clerks. How far this existed under Edward III. it is impossible to say; but it is certain that there existed at least the beginnings of the process. The "inn" of chancery continued to be moved to suit the convenience of the various chancellors during, and for some time after, the reign of Edward III.;[3] but in spite of that the history of the separate inns of chancery may have already begun.

Section IV.—Chancery Headquarters

The household of chancery, and indeed the chancery as a whole, was obviously affected, in Edward III.'s reign, by the development of semi-permanent headquarters for the office at Westminster. It cannot be said that, even by the end of the century, the chancery had settled immovably at any one place. As late as 1392 clerks were appointed to take the departmental rolls from London to York.[4] On the other hand, by 1391, it was assumed that the chancellor would normally have to "stay in the city or near it";[5] whilst the removal of the chancery to York in 1393 was regarded as a complete novelty by one chronicler

[1] *C.P.R.*, 1374–77, p. 80.

[2] They were not forbidden to live with their superior officers, as stated by Maxwell-Lyte in *The Great Seal*, p. 14.

[3] *C.C.R.*, 1354–60, p. 195; *C.C.R.*, 1360–64, p. 529; *C.P.R.*, 1364–67, p. 93; *C.C.R.*, 1364–68, p. 335; *C.C.R.*, 1369–74, pp. 197, 440, 563. A writ of aid was issued for J. Gardyner, usher to Michael de la Pole, chancellor, in 1383, "to take carriage for victuals and other necessaries for the king's household of chancery, as the chancellor is going to divers parts of the realm" (*C.P.R.*, 1381–85, p. 289).

[4] *C.P.R.*, 1391–96, p. 65, May 31, 1392. [5] *C.P.R.*, 1388–92, p. 489.

at least.[1] The day of the peripatetic chancery was over long before this; and there are indications early in Edward III.'s reign that if the whole office occasionally moved about, or if the chancellor, or even sections of the chancery, still attended on the king, the main activities of chancery were carried on in one well-recognised spot.

The first definite separation of the chancery from the perambulations of the court appeared, like so many of the later developments in the office, in the reign of Edward I.[2] In 1272 Walter of Merton, when appointed chancellor for the absent king, was ordered to remain at Westminster as a public place, until the king's arrival in England.[3] In 1280 Burnell, leaving the king to hunt in the New Forest, betook himself to London "as to a fixed place, where all seeking writs and prosecuting their rights, could find the appropriate remedy".[4] Though in 1300 the *Articuli super Cartas* required that both chancery and king's bench should follow the king, Edward I. expressly ordered the chancery and exchequer to remain at Westminster during his last expedition to Scotland in 1306.[5] But the clearest indication of an increasing separation between chancery and the court under Edward I. is to be found in the commencement of the long files of privy seal warrants for the great seal, and in the wording and dating of the individual writs of privy seal, carefully analysed by Professor Tout.[6] It seems that it was the physical impossibility of the chancery accompanying the king on his military campaigns that was chiefly responsible for the files of chancery warrants under the privy seal: "the only times, during the first part of Edward I.'s reign when abundant letters under the privy seal survive, are just those periods when the king and chancellor were separated"; and the dating of these, at Aberconway, Carnarvon, Rhuddlan, and Ghent,[7] is a sufficient indication of the condition under which they were drawn up. In many cases the contents also show that they were written when

[1] Walsingham, ii. 213: "Hoc anno Bancus Regius et Cancellaria translata sunt de Londoniis Eboracum, vel odio Londoniensium, ut fertur, vel favore Eboracensium; eo quod Cancellarius, qui fuit Archiepiscopus Eboracensis, cuperet profectum civitatis suae. Sed non longo tempore duravit haec novitas."

[2] Probably the faint beginnings of this can be seen as early as Henry III.'s reign. Professor Tout has suggested the possibility that the appearance of a permanent privy seal was an indirect result of this movement; and that "the beginnings of the tendency towards the separation of the chancery under the magnate chancellors, from court interests, even from physical presence in the court, brought out the need for an administrative office that was adequate to maintain the household point of view" (*Chapters*, i. 212, 231). It is interesting to notice that Henry III. took his great seal overseas with him in his expeditions of 1230 and of 1242; but by 1252, and usually afterwards, he was able to leave behind the great seal, and frequently the chancellor as well (*ibid.* i. 303).

[3] Tout, *ibid.* ii. 74. [4] Tout, *Edward II.*, p. 61. [5] Tout, *Chapters*, ii. 75.

[6] *Ibid.* ii. 73-7. [7] Chancery Warrants of Privy Seal, series i. files 1-13.

the chancellor was away from the king.[1] The establishment of the letter of privy seal "as a considerable element in administrative procedure" immediately rendered possible the whole of that movement of separation on the part of the chancery which was slowly accomplished through the fourteenth century; and this was perhaps made more inevitable by the restoration of the chancellor's fee, and the placing of the chancellor and his clerks *extra curiam*, on January 1, 1293,[2] a date significantly approximating to that on which such extensive changes occurred in the system of authorising chancery writs.

It was not until 1310, however, that the headquarters of the chancery were first definitely described as the great hall at Westminster, the place of "the great bench upon which the chancellor was wont to sit":[3] it was not until the early years of Edward III. that permanent headquarters of the office were clearly indicated at Westminster. In 1329 and again in 1330 an order was issued for a passage to be kept clear through the New Temple to Westminster, for the king's ministers, especially—on the second occasion—for his chancery clerks.[4] In 1339 we get a glimpse of the chancellor sitting "at the great marble table" in Westminster Hall:[5] in 1345 this was described as "the place where the chancellor commonly sits";[6] in 1348 it had become "the hall where the place of the chancery is held";[7] and a similar description occurred in 1356.[8] In 1354 the *portejoie* of chancery applied for an increase in salary because he had lost some of his earnings; he no longer had to carry the rolls about, he said, "because the chancery is held in a fixed place".[9]

There is no satisfactory method of checking the actual itinerary of chancery in the early years of Edward III.'s reign. The dating of chancery writs gives us no clue as to the whereabouts of the office, nor does the place of the "inn" of the chancellor. The

[1] *E.g.* a writ commanding the chancellor to provide "competent remedy" to John and William Burnell; if he was not able to provide this without the king's presence he was to do as much as he could, so that on the king's arrival the case might be quickly despatched (Chancery Warrants of P.S. 1/3). In October 1278 Edward sent a letter to the chancellor, to be sealed with the great seal, and returned to the bearer (*ibid.* 1/9). In 1293 the king sent a man, with a writ of privy seal, to discuss important matters with the chancellor, who was at Kingston at Hull (*ibid.* 4/371).

[2] Tout, *Chapters*, ii. 51 and 76, *n.* 3. The logical conclusion to this step was taken when, in 1323, the keeper of the hanaper of chancery began to account to the exchequer and not to the wardrobe for the proceeds of his office (Tout, *Place of Edward II.*, pp. 178, 179.

[3] *C.C.R.*, 1307–13, p. 326.

[4] *C.C.R.*, 1327–30, p. 580; *C.C.R.*, 1330–33, p. 102.

[5] *C.P.R.*, 1338–40, p. 327.

[6] *C.C.R.*, 1343–46, p. 639.

[7] *C.C.R.*, 1346–49, p. 453.

[8] *C.C.R.*, 1354–60, p. 332.

[9] *C.P.R.*, 1354–58, p. 148.

nearest that can be made to an itinerary is to be derived from frequent memoranda in the Close Rolls, recording an acknowledgment of debt, or some legal transaction made in chancery, and giving the date and the place at which it was made. These entries clearly denote that part of the chancery was at the place indicated, though whether the main part or not it is impossible to say. Memoranda of acknowledgments made "in the chancery at the Manse of the said chancellor in Holbourne in the suburb of London", or "before Simon Archbishop of Canterbury, chancellor, in his palace at Canterbury",[1] illustrate the possibility that such acknowledgments could be made outside the actual working quarters of the chancery clerks, and that other places besides those quarters might be regarded as the chancery.

During the early years of Edward's reign these memoranda show, as we should naturally expect, that the chancery was frequently in the north of England; but with the year 1337 began a long period when, with very exceptional breaks, it remained in London or Westminster. The most frequent changes were those when it accompanied the king to the sea when he was embarking for France. After 1346, however, even this limited movement ceased, and for ten years chancery was never mentioned outside London or Westminster. Even during the period of the plague Edward found it convenient to keep chancery away from his retreat at Woodstock, and it appears to have remained in London or Westminster throughout 1348 and 1349. And whereas in Edward's previous Scottish campaigns it had invariably accompanied him north, in 1356 it remained in London with Thoresby, who received the king's orders by privy seal.[2] From this time, and for the rest of the reign, the chancery is found at London or Westminster with scarcely a break.

It seems safe to assume, therefore, that the period 1337–56 witnessed the last stage in the long process of the settling of chancery at Westminster. Before this date the frequent distractions of the Scottish wars had prevented the adoption of any permanent headquarters in the south; but after 1337 the war with France made London and Westminster the inevitable centre of government. Already Westminster was the established headquarters of chancery, and London usually the home of chancellors and chancery clerks. Westminster itself had by now become the capital of England,[3] and it was impossible that the chancery should long delay to take up there its permanent abode.

[1] *C.C.R.*, 1360–64, p. 529; *C.C.R.*, 1364–68, p. 373.
[2] *Cal. Docs. relating to Scotland*, 1355–56, p. 1600.
[3] Tout, "The Beginnings of a Modern Capital", from the *Proceedings of the British Academy*, vol. xi. (reprint) p. 17.

CHAPTER V

THE PERSONNEL OF CHANCERY— THE CHANCELLORS

Section I.—The Chancellors, 1326–1340

THE personnel of Edward III.'s chancery cannot be examined apart from the political background of the reign. Political motives inspired the choice of most of Edward III.'s chancellors: in two of the three great crises of the reign the chancellor was prominently involved; and throughout, his political importance continued to be great. Moreover, political events influenced profoundly the whole development of his office in the fourteenth century. This, in the main, was governed by the changes which took place in the position of the chancery itself; but it was also determined, in the end, by the changing political relations of the individual chancellors to the crown.

On the administrative side it was determined by the separation of the chancery from the king. From being a personal servant of the crown under Edward I., the chancellor had become an important official of state under Edward III. His political importance now rested on a different basis. He was no longer, by virtue of his office, amongst the intimate advisers of the crown. In 1340 he suffered a spectacular defeat at the hands of the *secretarii* advising the king. Yet, during and after the reign of Edward III., he long retained, and on the whole increased, his political power. And this was not due to his increasing administrative importance alone: it was by no means impossible that in 1341 a permanent diminution of his political importance should result from the decline of his personal influence with the king. That it did not, and that chancery remained until the end of the fifteenth century the most important political office in administration, was due partly to the chief political developments of the reign, and not a little to the character and political designs of Edward III. himself. With all his faults Edward has some claims to be regarded as much more than a mere impetuous man of war. He was a fair statesman, faced with an almost insoluble problem of a monarchy sinking beneath the burden of domestic opposition and inglorious foreign wars. The greatest task of his reign was the restoration of the prestige of the monarchy at home and abroad. His methods of achieving this had profound and permanent results, not only on the chancery, but on the whole constitutional and administrative history of the state.

The "long and tedious reign"[1] of Edward III. began with

[1] Bishop Stubbs, *Chronicles of Edward I. and Edward II.* (R.S.), i. cxxii.

a young and inexperienced king under the tutelage of Isabella and Mortimer. His first political achievement was the overthrow of the government which had displaced and was to murder his father; the most important step he took to this end was the formation of a court party, the inevitable instrument of monarchical power from the days of Henry III. to those of Edward IV.; the second step was the formation of political alliances which left a mark on his policy far on into his reign. Both are reflected in the changes which occurred in the care of the great seal.

His first chancellor was John Hothum, Bishop of Ely, an experienced minister, chancellor of the exchequer in Ireland as early as 1309, and in England by 1317.[1] He had been chancellor for the first time in 1318,[2] and had taken an active part in the politics of the middle period of Edward II.'s reign, finally coming forward in 1326 as a strong supporter of Isabella and Mortimer. He held office until March 1, 1328, proving a subservient instrument of the party that was governing in the name of the young king.

The second chancellor of the reign was Henry Burghersh, Bishop of Lincoln, a much stronger type of man, and it is possible that the circumstances of his appointment indicate an opposition of the king, already formidable, to the existing regime.[3] Burghersh first received the seal of his new office on May 12, 1328, for custody (*custodiendum*),[4] when he swore "to do faithfully that which pertains to the office of the seal". He himself handed it to a commission from the 1st to the 30th of the following July.[5] On August 17 the king received it from him and handed over to the same commission until August 26.[6] Edward then gave it to Adam Lymbergh, formerly keeper of the privy seal, "to be kept until otherwise ordered"; but the very same day it was returned to Burghersh, who once more took oath "to execute the office of chancellor faithfully".[7]

[1] *C.P.R.*, 1307–13, p. 114; Tout, *Edward II.*, p. 345.

[2] *Ibid.* p. 325.

[3] In this connection the letter printed by Mr. C. G. Crump in the *E.H.R.* xxvi. 331, 332, is of exceptional interest. It contains a secret sign, *Pater Sancte*, written by Edward III. himself, which was to be used in future correspondence, to indicate those requests which the king particularly wished to be carried out. This letter Mr. Crump considers to form part of an early step towards the overthrow of Mortimer, possibly dating from September 1329. But cf. Stubbs in *Chronicles of Edward I. and Edward II.*, i. cxvi, cxvii, for the activities of Edward III. in 1328.

[4] *Foedera*, ii. 743. This was in the presence of some of the leading supporters of Isabella and Mortimer. From March 1 to May 12 the seal was held by Henry Cliff and William Herlaston, under commission (*ibid.* ii. 731).

[5] *Ibid.* ii. 745; *C.C.R.*, 1327–30, p. 403. In the hands of the same two clerks.

[6] *C.C.R.*, 1327–30, p. 411.

[7] *Ibid.*

Although Burghersh had been given the great seal on May 12, it seems clear that he did not finally vacate his previous position in the exchequer until July 1,[1] and this, we must presume, was the time when he actually became chancellor. His successor for a day in the chancery, on August 26, was a protégé of Edmund, Earl of Kent,[2] and an intimate adviser of the king, who received the seal, as Burghersh had surrendered it on August 17, in the presence of other advisers of a similar kind.[3] After Burghersh finally obtained the seal on August 26, he took a second oath of office. It seems clear that if his appointment was not opposed in the first place, his position in the chancery had been strongly challenged between August 17 and August 26. But whatever struggle there was for the chancellorship on this occasion finally ended in a triumph for the party which had originally put him in power.

Henry Burghersh himself was a nephew of Lord Badlesmere, one of the leaders of the Middle Party under Edward II., and had obtained very early promotion through Badlesmere's personal application.[4] He subsequently became political leader of his uncle's old party, and as such was one of the earliest and strongest supporters of Isabella and Mortimer in 1326.[5] Under the new government he became treasurer on March 25, 1327;[6] and whilst he was at the exchequer an attempt was made by the court to secure his appointment to the archbishopric of Canterbury, vacant by the death of Walter Reynolds. The attempt failed—defeated partly, apparently, by the influence of Henry of Lancaster. It was followed immediately by his appointment to the custody of the great seal. He was completely in the confidence of Mortimer and Isabella; and if he was more independent of them than Hothum, he was also more active and unscrupulous in their support.

His final installation in the office of chancellor was, indeed, the beginning of a series of triumphs for the government, and issued in a period of renewed activity and unrestrained exercise of power. Both within and without the chancery the spirit of

[1] Roger Northburgh had been appointed his successor there, but did not appear either on the issue or receipt roll for the Easter term of 1328. Nor did Burghersh retire from the exchequer, according to the receipt roll, before July 1. I owe this information to Dr. D. M. Broome. Cf. *C.P.R.*, 1327–30, pp. 249, 303.

[2] *Cal. of Papal Registers, Letters*, ii. 476.

[3] On May 12, when Burghersh received the seal, there were present Adam Orleton, Roger Mortimer, William de la Zouche of Ashby, Oliver Ingham, and others; on August 17, when he surrendered it, there were present Sir John de Wisham, knight and steward of the household, Sir William Clinton, Adam Lymbergh and Thomas Evesham, clerks, and others; and on August 26 there were Sir Edward Bohun, Sir William Clinton, and others.

[4] Tout, *Edward II.*, p. 135; Davies, *Baronial Opposition*, p. 174.

[5] Baker, pp. 17, 20, 21, 27; Murimuth, p. 46. [6] *C.P.R.*, 1327–30, p. 58.

Burghersh's influence on these events is plainly seen. In the chancery he paid little respect to the traditions of the department: he alienated the sympathy of the clerks by using for his own personal servants the patronage in the church that belonged to his office; and he did not scruple, we are told, to exercise undue influence in the office of privy seal, to obtain authorisations for his most questionable acts.[1] He received, as Hothum had done, the issues of the great seal as payment for his services, instead of the customary grant of £500.[2] Outside the chancery he imitated Mortimer, who was building up a great territorial power in Ireland and Wales, by obtaining for himself the custody of the lands formerly belonging both to Badlesmere and the Earl of Kent.[3] His removal from office was only achieved in October 1330 with the downfall of Isabella and Mortimer themselves.

Long before this, it is clear, the coalition which had placed Isabella and Mortimer in power in 1326 had completely broken down. It had contained from the first evident forces of disruption in the conflicting principles of the various parties of which it was composed, and it was quite destroyed by the shameless self-seeking and jealous monopoly of power by Isabella and Mortimer. The Lancastrians, in particular, had been persistently excluded from the promotions following the revolution of 1326; and though they were prominent on the council of regency, they possessed no real power. As early as April 1327 the Earl of Lancaster had refused to accept responsibility for the custody of Edward II.:[4] he soon complained bitterly that he was not allowed to advise or even to approach the young king;[5] and before the end of the year the Lancastrians were in open revolt.[6]

But the Lancastrian revolt of 1329 completely failed: it was left for the young king himself to lead the successful opposition to the existing regime; and these were the two main facts governing the political development of his early years. They necessitated an alliance between the Lancastrians and the crown which constitutes one of the great political revolutions of the fourteenth century, and profoundly affected the whole reign of Edward III.; and they resulted in the formation of that court party which helped Edward to capture Nottingham Castle on October 18, 1330, and did much to guide his policy through the all-important early years of his reign.

The main lines of Edward III.'s policy after 1330 were already determined by these preceding events. The restored monarchy was based on the support of the Lancastrians, but it was the work

[1] *Rot. Parl.* ii. 46; *J.R.L.B.* viii. 1, p. 110. [2] See *supra*, p. 62.
[3] *C.P.R.*, 1327–30, p. 244; *Cal. Charter Rolls*, iv. pp. 177, 178. Cf. *Ibid.* p. 117. [4] Henry Knighton, i. 444. [5] *Ibid.* i. 447.
[6] Stubbs in *Chronicles of Edward I. and Edward II.*, pp. cxvi-cxviii.

of the court party and the king himself. It aimed at a conciliation of the Lancastrian opposition, but its policy was ultimately decided by the court. It had to pay service to the Lancastrian constitutional ideals, but its object was a restoration of the power of the crown. It had to evolve a policy which the Lancastrians could accept, based on a personal ascendancy of Edward III.; it had to abstract from the constitutional programme of Thomas of Lancaster what was compatible with the rule of a young and vigorous king. The result, in the end, was a reconciliation between the barons and the king, and a situation, temporarily at all events, satisfying both. The barons supported a strong monarchy; the king based his power on the co-operation and support of the barons. The supremacy of Isabella and Mortimer gave a unique opportunity for a re-orientation of the policy of the crown as pursued by Edward II., and the results of the change were slowly worked out in the early years of Edward III.

In the chancery the chief result of the revolution of 1330 was the appointment of a Lancastrian, John Stratford, to succeed Henry Burghersh; and for the next ten years the history of the office is closely connected with the political fortunes of the Stratfordian family. John Stratford, unlike Burghersh, was of obscure descent; but he was eminently learned, capable, and astute.[1] Early in Edward II.'s reign he had served the usual course of introduction to higher chancery work; but in 1323 he took a short cut to promotion when he obtained the rich see of Winchester by unscrupulous self-seeking, and in spite of the wishes of the king.[2] Edward II. weakly allowed his anger to evaporate, and soon afterwards Stratford was not only actively engaged in diplomacy and administration, but had become one of the political leaders of the Lancastrian party.[3] He shared with that party the vicissitudes of the last years of Edward II., and of the minority; and he had been singled out by Burghersh for special attack in the parliament of 1328.[4] He survived, however, to succeed his rival in the office of chancery on the fall of Mortimer in 1330.

He was undoubtedly one of the most influential men in England during his first period of office, from November 1330 to September 1334. He accompanied the king to France in April 1331, and took up the threads of the endless negotiations with France, going overseas again in 1331, 1332, and 1334.[5] At the same time he

[1] Birchington in *Anglia Sacra*, i. 19; Tout, *Edward II.*, p. 21.
[2] Murimuth, p. 39; Tout, *Edward II.*, p. 232.
[3] Stubbs, *Chronicles of Edward I. and II.*, Introduction, p. cxvi.
[4] *Ibid.* pp. cxvi-cxx; Birchington, p. 19.
[5] *Foedera*, ii. 815, 826, 827, 883; *C.P.R.*, 1330–34, pp. 188, 218, 273, 529, 534; *C.C.R.*, 1330–33, p. 553.

took a part, though less prominent, in negotiations with Scotland.[1] Meanwhile the death of Meopham rendered vacant the archbishopric of Canterbury, and Edward obtained for Stratford the vacant place, the temporalities being bestowed on February 5, 1334.[2] From February 5 until September 28, 1334, when he resigned the great seal, Stratford held the highest office both in the church and in administration, an event without parallel in the fourteenth century before the election of Sudbury and William Courtney in the reign of Richard II.

Meanwhile, in the chancery itself, he appointed seven commissions and two independent keepers, holding the great seal during his absence from the office. His brother Robert, though he remained for some time chancellor of the exchequer, was a prominent member of four commissions, and acted once as keeper of the seal. Henry Edwinstow, Thomas Bamborough, and John of St. Pol now appeared among the leading clerks of chancery. The career of Robert Stratford illustrates the growing ascendency of the Stratford family in the office; but John of St. Pol at least, on the other hand, may have owed his promotion to a connection with the new court party rather than to an association with the fortunes of the Stratfords.

The reason for the resignation of John Stratford, it is possible, was the king's lack of confidence in him as a minister for war.[3] He was succeeded by Richard Bury, an intimate supporter of the king from the earliest days of the minority.[4] Concerning Bury's

[1] *Cal. Docs. relating to Scotland*, iii. 195; *Foedera*, ii. 888.

[2] *Annales Paulini*, p. 360; *Foedera*, ii. 873; *C.P.R.*, 1330–34, p. 510.

[3] His resignation took place in the midst of preparations for Edward's first great campaign against the Scots (*Rot. Scotiae*, i. 276, 279). Other interesting changes at the same time were: Henry Burghersh appointed treasurer on August 1 (*C.P.R.*, 1334–38, p. 1); John Hildesle, a faithful supporter of Edward II., to be chancellor of the exchequer (*ibid.* p. 33; *Foedera*, ii. 606; *C.P.R.*, 1324–27, p. 282; Maxwell-Lyte, *The Great Seal*, p. 4); Robert Taunton, probably a Lancastrian, to be keeper of the privy seal (*E.H.R.* xxiv. pp. 500-504; *C.C.R.*, 1330–33, pp. 76, 84); Richard Ferriby, an old servant of Edward II., and in 1329 a clerk of Queen Isabella, to be keeper of the wardrobe (*E.H.R. ibid.*; *C.C.R.*, 1313–18, p. 378; *Cal. Papal Registers, Letters*, ii. 293); Richard, Earl of Arundel, son of the most faithful of Edward II.'s earls, to be Justice of North Wales on November 8 (*C.P.R.*, 1334–38, p. 45); William de la Zouche, promoted from the great wardrobe to be controller of the wardrobe, had been in personal attendance on Edward III. in France in 1329 (*E.H.R. ibid.*, *D.N.B.* (Tout)). These give a fair indication of the type of administrative official on whom Edward felt he could rely.

[4] It was he who shared with William Montague the secret understanding between Edward III. and the Pope in 1329 or 1330 (*E.H.R.* xxvi. 331, 332). It is somewhat surprising in spite of this to find Miss D. Hughes describing him as J. Stratford's "old friend and political supporter" (*Early Years of Edward III.*, p. 108).

tenure of the chancellorship there is little known. Unlike Stratford he did not put the great seal under commission. He resigned the seal on June 6, 1335, and retired to the bishopric of Durham to amass a considerable library, and, eventually, to die in comparative poverty.[1]

John Stratford was immediately reappointed chancellor on June 6, 1335, and on the same day his brother Robert was made keeper of the seal. Between them the two brothers controlled the chancery until the resignation of the great seal by Robert on July 6, 1338. During his second period of office John Stratford was as prominent in administration and politics as in the period from 1330 to 1334; and it is clear that he kept closely in touch with the young king in all his activities.[2] He resigned the seal on March 24, 1337, but only to be succeeded by his brother Robert.[3] The latter had for some time now been one of the leading clerks in chancery, and in September 1337 he was given an ecclesiastical dignity suitable to his new office in the bishopric of Chichester.[4] He continued Bury's policy of himself retaining possession of the great seal; whilst John Stratford after a short time resumed his diplomatic and political activities, and played a prominent part in the events immediately preceding the outbreak of general hostilities with France in 1338.[5]

On July 6, 1338, however, the great seal once more passed out of the hands of the Stratfords, this time under circumstances of particular interest, since they cast a welcome light not only on this but also, perhaps, on previous changes in the care of the seal. Six days after Stratford resigned the great seal, the king issued the Ordinances of Walton,[6] amongst the last arrangements he made

[1] Murimuth, p. 171.

[2] *Ibid.* pp. 76, 78; Auctor. Bridlington, p. 127; *Foedera*, ii. 940, 953.

[3] This again occurred in the midst of preparations for a military campaign, this time against France (*Foedera*, ii. 956, 958, 963). Once more, also, there was an extensive rearrangement of administrative personnel. Burghersh retired from the exchequer to organise alliances abroad (*Foedera*, ii. 966, 980, 992, 998, 1002). There were extensive changes in the exchequer, where William de la Zouche was made treasurer and Robert Sadington chief baron (*C.C.R.*, 1337–1339, p. 25; *C.P.R.*, 1334–38, pp. 400, 409); in the household offices (*E.H.R.* xxiv. 500-504); in the Benches (Foss, *Tabulae Curiales*); in Wales, where the Earl of Arundel was created Justice for life (*C.P.R.*, 1334–38, p. 415); and in Ireland (*ibid.* p. 477). At the same time Richard Bintworth, Stratford's successor as chancellor in 1338, became keeper of the privy seal (*C.P.R.*, 1334–38, p. 409; *C.C.R.*, 1337–39, pp. 25, 130), and a new steward—John Molyns—was appointed for the lands reserved to the chamber (*C.P.R.*, 1334–38, p. 429). On March 16, earldoms were conferred on leading members of the court party.

[4] *C.C.R.*, 1337–39, p. 220.

[5] *Foedera*, ii. 990, 994, 1007, 1065. He either accompanied Edward overseas in 1338, or followed soon after (*ibid.* ii. 1043; *C.P.R.*, 1338–40, p. 32).

[6] *Foedera*, ii. 1049. Cf. *C.C.R.*, 1337–39, p. 525.

for the government of England during his absence in Flanders. These dealt chiefly with finance, and were intended to ensure that the whole revenue of England should be directed, as completely as possible, to the support of the war. This was to be achieved by insisting on privy seal warrants from abroad, made "par assent du Roi et de un homme sage suffisant par li a ce assigne", for all expenditure by the government in England, during the king's absence, except for "fiedz que sont touz jours encertain", and payments made, under exceptional circumstances with the concurrence of the council in England; whilst nothing was to be issued from the chancery without warrant of privy seal, "salve chose que touche la ley et l'office de chaunceller tantsoulment; mes de chose que touche especiale grace out chose que soit countre les ordinances susescriptes nieit". The privy seal warrants were to be recorded and enrolled, by the advice of "un homme sage, suffisant et conisant, qi le Roi voudra a ce assigne", and the treasurer was to be allowed expenditure, in his account, according to these warrants. Thus a complete and carefully worked out system of supervision over expenditure in England during the king's absence was to be set up. These were the main provisions of the ordinances, though other branches of administration besides purely financial were included in their scope.

The ordinances were clearly drawn up in view of Edward's approaching absence overseas, and they were to regulate the whole activities of the government in England. But they were to take effect primarily by a control on the seal of absence, which would be the instrument of government during the absence of the great seal and the privy seal with the king.[1] They represented an

[1] Miss D. Hughes was unfortunate in describing them as "certain Ordinances for the reform of the exchequer" (*Social and Constitutional Tendencies of the Early Years of Edward III.*, pp. 46, 158). The main evidence for this is a description of the regulations as such in the *Calendars of Close Rolls* (*C.C.R.*, 1337–39, p. 525); but, Dr. D. M. Broome has pointed out to me, the only note actually occurring in the margin of the Close Rolls is, "De ordinacionibus subscriptis observandis"; nor does Miss Hughes' description occur elsewhere.

The ordinances were sent to the chancery on July 12, 1338, with directions "que meisme la roulle facez lisre devant les sages de nostre conseil et totes les choses continuez en y celle facez desore garder et fermement tenir en touz pointz" (*Foedera*, ii. 1049). They were not sent from there to the exchequer until September 6, with the order, "inspecto rotulo praedicto, omnes et singulas ordinationes praedictas in eodem contentas . . . quatenus placeam dicti scaccarii concernunt, decetero observetis" (*ibid.* 1050). The chancery conception of the ordinances is given in the copy which was preserved amongst the warrants of privy seal. On the margin of this copy they are described as "La forme de faire garantz"—warrants, of course, under the great seal or the seal of absence (Chancery Warrants of P.S., I./248/11238 *a*).

The ordinances, in fact, forbade payments from the exchequer without warrant of privy seal, but they did not apparently insist that the warrants should

attempt to subject the council in England to a control of the king and the council accompanying the king abroad. Their political intention can easily be overstressed. Edward, in 1338, had the choice of continuing from abroad his normal control over state administration, or delegating it completely to the council he was leaving behind; and perhaps unwisely, but not unnaturally in view of his proposed stay in Flanders, he chose the former course. His control of state administration was not so much revolutionary as impracticable under the circumstances. It elaborated and systematised the organisation already existing, but did not radically change it. But what it did do was to bring out openly Edward's mistrust of the government he was leaving at home, largely composed of his officials of state: it emphasised unmistakably a duality in his council, and represented a triumph for that part composed of his household officials and chief baronial supporters in the war.

The resignation of Robert Stratford in 1338 was in the first place a purely administrative matter, but in the second it was a minor political crisis, the antecedents to which must be sought as early as 1330, and the immediate cause of which was clearly the conduct of the war. In its political aspect the resignation indicates a mutual distrust between the Stratfords and the king, which was based on deeply divergent political views. The Stratfords still retained, we may assume from their subsequent attitude, a tradition of constitutionalism from the days of Edward II. They represented the ministerial section of the old Lancastrian party, with their stronghold in the great offices of state. Edward had given the highest office in administration to the Stratfords in 1330, and subsequently the greatest place in the church; but he had never conciliated their section of the Lancastrians as he had the baronial, and by 1338 his policy of war had brought out clearly the fundamental divergence between their political views.

Edward's prolonged wars against Scotland and France did, indeed, introduce a new and vitally important element into the complicated political situation of his early years, to be reckoned with henceforth for the remainder of the reign. When this has become apparent, the main lines of Edward's policy are substantially complete. His reconciliation with his baronage was in part a natural result of the Lancastrian alliance, but in part it was due to a policy of aggression abroad which was largely his own. This was dictated to him, indeed, by the disastrous results of his father's sorry failure in foreign affairs, but it suited exactly his age, his personal inclinations, and his political ambitions at home.

---

in every case have been received in the exchequer itself. The accounts of the exchequer were to be checked, not by the original warrants, but by the record of these kept by a clerk of the chamber.

The early wars of Edward III. were the real means by which he temporarily destroyed the baronial opposition which had proved too strong for his father. They not only served to conciliate the barons, however; they also, for a time at least, served to strengthen the king. They immensely increased the duties and importance of the officers of the household, the natural nucleus of a court party in administration; they made the barons themselves the supporters of the revival of the household by Edward III. By his wars Edward permanently won over the baronial element of the old Lancastrian party to his support, but they were calculated to have precisely the opposite effect on the ministerial section of the party, who were largely officials of state. The latter must have seen in them not only an increase in the duties and importance of the officers of the household, but the possibility of a return to what they regarded as the unconstitutional ideals of household administration held by Edward II. The Ordinances of Walton revived the problem of the household in administration in a new and acute form. They resulted in an open breach between Edward and the Stratfords, in a final alignment of political parties which had been preparing since 1330 and lasted until the crisis of 1340–41.

As far as the chancery itself was concerned, the events of 1338 resulted not only in a curialist chancellor but also in a set of regulations for the use of the seal of absence, more definite and irksome than any of which we have record before. Richard Bintworth, Robert Stratford's successor in 1338, had been in the service of Edward II. in 1325;[1] he had not, so far as can be discovered, been employed by Isabella and Mortimer, but he began his active service to Edward III. at least as early as 1334.[2] In the promotions of 1337 he became keeper of the privy seal, receiving from the king £200 in aid of the expenses he would incur.[3] His promotion from that office to the chancery may perhaps be regarded as an attempt by Edward III. to achieve a real unity in administration during his absence overseas; but the interest in his chancellorship lies more particularly in his application of the Ordinances of Walton themselves.

On entering office Bintworth took a special oath "de dicto sigillo bene custodiendo . . . et de quibusdam aliis juxta quandam ordinationem eidem . . . per ipsum dominum Regem liberandum".[4] The ordinances, strictly applied, would have stopped all orders

[1] *C.C.R.*, 1323–27, p. 408.

[2] *C.P.R.*, 1330–34, p. 564. He was employed frequently after this in diplomatic work, and was frequently described as "professor of civil law" (*C.P.R.*, 1334–38, pp. 157, 301, 303, 347; *C.C.R.*, 1333–37, pp. 285, 611).

[3] *C.C.R.*, 1337–39, p. 157.

[4] *Foedera*, ii. 1047.

for expenditure under the seal of absence, except those warranted by privy seal or under exceptional circumstances by the council. There is clear evidence that an attempt was made to put some parts of the new regulations into force.[1] But though the number of chancery writs ordering payments from the exchequer, for instance, without mention of service, greatly decreased, whilst those authorised "by bill of the treasurer" entirely disappeared for a time,[2] it is certain that the plan of a rigid control of the seal of absence in all matters of finance was never put into effect. The detailed causes for this have not yet been fully worked out, but two points are sufficiently clear. The wording of the ordinances themselves left a discretionary power in the hands of the council in England which went far to destroy the effectiveness of the whole system of control which was being introduced.[3] But in the second place it is evident that this was an inevitable—and probably a last moment[4]—concession to the situation created by the approaching absence of the privy seal abroad.[5] It raises the

[1] D. Hughes, *The Early Years of Edward III.*, pp. 62, 68. The election of sheriffs as required by the ordinances took place in at least four cases (*C.F.R.* v. 144, 146, 154). As late as September 1339 orders for such elections were issued in Somerset and Dorset and other counties (*C.C.R.*, 1339–41, p. 193; cf. *ibid.* pp. 335-6). [2] *J.R.L.B.* viii. 1, p. 130.

[3] "Et en cas que le Roi face nul voiage, ou ale nul part deinz son roialme ou dehors, et ameyne ove luy son prive seal, et le men temps il busoigne de tenir son conseil ou deux ou plus ou meyns, en diverses places. Et les busoignes tretees en mesmes le conselx demandent paiement . . . ou autre choses demandantz garantz, adonqes celuy ou ceux qui serra ou serront governours et chiefs des ditz conseilx ferra ou ferront billes sous lour sealx propre en noun de Roi, en lieu de garant a ceux as queux il appartient d'aver garant issint toutefoitz que les busoignes le Roi par cause d'absence de li et de son prive seal ne soient defaitz", etc.

[4] The clause which follows this begins with the words "Et les ditz acomptz issint vi", which refer back to, and are apparently a continuation of, the clause which precedes it.

[5] It was not, perhaps, as Miss Hughes suggests, that "Edward had been persuaded to give his son a commission [as keeper] so wide as to annul the limitations laid down by the Ordinances" (*Early Years of Edward III.*, p. 72). The wide powers conferred on the keeper in the first place had been issued whilst the ordinances themselves were still being drafted, and they could scarcely have been increased subsequently. They made him "custodem dicti regni nostri, ac locum nostrum tenentem in eodem regno quamdiu in dictis transmarinis partibus moram fecerimus" (*Foedera*, ii. 1049). The king did, indeed, in a letter of May 1339, limit the keeper's powers to "what pertains to the office of keeper, for the defence of the land, and the maintenance of law, without granting . . . matters of grace", etc., complaining that the previous powers had been abused. But this abuse had probably only been possible as a result of concessions which the king had made to his council in the Ordinances of Walton themselves. The letter of 1339 was clearly, perhaps, "a distinct reassertion of the claims . . . made in 1338"; but it scarcely indicated that "a section at least of the baronage was claiming that some of these so-called

interesting problem as to whether before the concessions were made to the council, the Ordinances of Walton were drawn up to define, in favour of the household, the whole regulations governing expenditure and the use of the great seal under normal conditions. In any case the failure of the system to obtain the necessary supplies for the king made inevitable a modification of the political strategy on which they were based.

The modification took the shape of concessions to the Stratfordian opposition, which Edward had definitely alienated by his policy in 1338. Since then John Stratford, even when abroad, had not ceased to oppose the general policy of the king.[1] It is clear that he now profited by the difficulties that had arisen between the king and the government in England. On September 26, 1339, he was made chief councillor to the keeper in England, and the change in government was accompanied by a number of concessions from the king both to the government at home and to the nation.[2] These were supplemented on the king's return to England in February 1340, and can be taken as part of a reconciliation with the Stratfords. During Edward's next absence abroad the former opposition was left largely in control of the government of the country.

The reconciliation between the king and the Stratfords was expressed also in a return of the latter to the care of the great seal. Richard Bintworth died on December 8, 1339; and John Wodehouse and Gilbert Kelshill, the former a chancery clerk, the latter steward of Bintworth's household, took the seal immediately to John Stratford. The seal was put under commission until the wishes of the king were known. On February 16, 1340, it was given by decree of the king, "with the assent of his council in parts beyond the seas",[3] to John of St. Pol as independent keeper. This looks like an appointment according to the wishes of the court party; but whether or not that was the case, the seal was finally given to John Stratford again, as chancellor, on April 28, 1340.

The great seal remained in the hands of the Stratfords from now until the crisis of the following November. A quarrel arose

---

'matters of grace' were customary rights, and this the king denied". The matters of grace in question were mainly administrative acts of the keeper, involving the prerogative of the crown: they had nothing to do with the rights of the barons (*Early Years of Edward III.*, p. 72).

[1] See a letter in the *Registrum Radolphi de Salopia*, Somerset Record Soc. (1895), pp. 357-8.

[2] D. Hughes, *Early Years of Edward III.*, p. 75; *Foedera*, ii. 1091. The promotion of Stratford is recorded in *C.P.R.*, 1338–40, p. 394.

[3] *C.C.R.*, 1339–41, p. 451.

almost immediately between John Stratford and the king, due to advice from the former that the naval preparations for the king's second expedition overseas were inadequate,[1] and on June 20, 1340, John Stratford himself resigned "praetendens se propter infirmitatem . . . non posse diutius in dicto cancellarii officio laborare".[2] Still Robert Stratford, as in 1337, immediately succeeded his brother in the care of the great seal, and the government of England was left more than ever in their hands.[3] The elder brother was familiarly called *Domini Regis Patricius*,[4] and they possessed more freedom of action than any government in England, in the absence of the king, since the Ordinances of Walton in 1338. It was their failure in spite of these exceptional powers to satisfy the king's requirements abroad which led to their final exclusion from office in the following November. The gift of office was fatal to them as to many another later opposition. It is not without its irony that the Stratfords were ultimately driven from power for the failure of a plan of military campaign, supported by the court party and sponsored by Henry Burghersh, which, however inevitable in view of the assumed disparity between England and France at the time, imposed a financial burden on the former country which no ability and goodwill on the part of its ministers could enable it to bear. But this, if it was the immediate, was by no means the only cause of their fall. The crisis of 1340–41 represents the culmination of the political struggles of the early years of Edward III. and the end of a phase in the political and constitutional development of the reign.

The crisis of 1341 cemented the alliance between Edward III. and his baronage which the crisis of 1330 had virtually begun. It is this aspect of the political struggle which is in some respects the most significant of all. It was indeed a triumph of the *secretarii* of the king over the leading officials of state, and in a sense was the work of those advisers of Edward's household who had been the chief instruments of his administration overseas.

[1] Avesbury, p. 311.

[2] *Foedera*, ii. 1129.

[3] They had been recently strengthened by the appointment of Ralph Stratford to succeed Bintworth as Bishop of London (*Chron. Angliae*, p. 10). At the last moment too, after the resignation of John Stratford, Sadington was removed from the office of treasurer in favour of a much less pronounced member of the court party, Roger Northburgh. The council was increased by the appointment of Ralph Neville, Thomas Wake of Liddell, and Henry Percy, of whom the first was a member of the court party, the other two possibly still retaining earlier Lancastrian sympathies (D. Hughes, *Early Years of Edward III.*, pp. 89, 90; Auctor. Bridlington in *Chronicles of Edward I. and Edward II.*, pp. 61, 102). But these same months were marked by the growing prominence of William Kilsby; he was, Edward said, "very worthy of great honour from the king, who for his merit holds him dear above all others and keeps him at his side" (*C.P.R.*, 1338–40, p. 519).

[4] Avesbury, p. 324.

But the *secretarii* of Edward III. had come to be something very much more than a body of household officials: those to whom this title was especially accorded in 1340 [1] were, according to Adam Murimuth,[2] the Earl of Northampton, Walter Manny, John Darcy junior, John Beauchamp, Giles Beauchamp, with possibly Nicholas Cantelupe and Reginald Cobham, along with the two clerks William Kilsby and Philip Weston "et alii valde pauci". The struggle in 1340–41 was only in part one between the ministers of state and of the household.[3] The defeat of the former by no means marked the final supremacy of the latter either in administration or in the council. "After the failure of prerogative in 1341, the chamber ceased to have much expansive power, though the reservation to it of lands continued until the end of 1355." [4] The "double cabinet" of 1338 "passes out of mind, and some sort of unity of administration under the national king was restored".[5] "A united administration was better for war purposes than a divided one"; and Edward ceased to employ his household extensively for this purpose. The year 1356 saw the abandonment of the revived chamber of Edward's early years.[6]

The constitutional crisis of 1341 was—in spite of some baronial opposition to the king in his attack on John Stratford [7]—

[1] Avesbury, p. 323: "cum suis secretariis apud turrim Londoniarum navigio venit subito".

[2] Murimuth, p. 116. Many prominent nobles were, of course, left overseas. At least three of the above were members of Edward's council in Flanders. In November 1339 this had been composed of the following: Henry, Bishop of Lincoln, Henry, Earl of Derby, William, Earl of Northampton, William, Earl of Salisbury, Robert, Earl of Suffolk, John Darcy, steward of the Household, Henry of Ferraris, chamberlain, Geoffrey le Scrope, Reginald Cobham, John Molyns, Maurice Berkeley, and Thomas Bradeston (*C.P.R.*, 1338–40, p. 374). Besides those who accompanied Edward from abroad, other opponents of Stratford in the crisis of 1341 were Lord Stafford, Ralph Neville, Darcy senior, and Sir S. Medham (*E.H.R.* xxx. 194). On the whole Stratford's opponents included men both of rank and experience.

[3] Stratford's biographer said that the *curiales* had conspired against the Archbishop in Flanders. His next observation is significant: "Verum non solum milites sed et clerici hoc fecerunt" (Birchington in *Anglia Sacra*, i. 20). It was predominantly a lay conspiracy, and, under the circumstances, we can scarcely doubt, a baronial one. The household officials who had remained in England suffered equally with the officers of state, if we may believe the *French Chronicle of London*, p. 88: "Puisse après le mardi prochein devant la conversion seint Poul touz les officiers en la court le roy furent oustez et remuez parmy sire William de Killesby".

[4] T. F. Tout in *J.R.L.B.* viii. 1, 93.

[5] *Ibid.* p. 92.

[6] *Ibid.* pp. 93-4.

[7] The baronial opposition to the king in 1341 still remains obscure, in spite of Mr. Lapsley's ingenious reconstruction of events (*E.H.R.* xxx. 9, 193). It began, apparently, with Warenne's question, "Sire roy, coment va ceo parlement? Jadis ne soleit mye ensy estre: il est tut besturnée en autre manere: car ceux qe deivent estre principals sount forsclos, et autres gentz de mester seent icy en parlement qe ne deivent estre a tiel counseil, mès soulement les peres de

a triumph for the baronial advisers of the crown, and its chief result was an increasing predominance of the baronage on the royal council. It is this, it may be ventured, as much as the influence of men like Kilsby which called forth the bitter protests of the disgraced archbishop in 1341, and in part inspired the elusive anti-clericalism of the king and his advisers.[1] It is not without significance that Murimuth tells us " habuit rex concilium comitum multorum Londoniis "[2] in 1341, or in 1345 that " rex, archiepiscopus et quinque comites Londonias redierunt ubi in quarta

---

la tere qe vous, sire roy, puissent eyder et meintener à nostre graunt bosoigne. Et sire roy, de ceo devez penser " (*French Chronicle of London*, p. 90). This, Mr. Lapsley says, " was a blunt statement of the opposition programme ". But it was rather, perhaps, only that of the defenders of aristocratic privilege—not necessarily, in 1341, opponents of the king. Warenne might perhaps be associated with the Earl of Arundel, who suggested that Stratford be admitted to parliament, to be punished there if guilty. There is no clear indication that either of these supported Stratford, except incidentally, in their policy. Nor can the parliamentary committee, appointed subsequently to consider certain privileges of peerage, be regarded as supporting Stratford. The report of this committee on May 7, and the humbling of Stratford before the king on the same day (" se humilia a nostre Seignur le Roi "), must be regarded as closely associated events. The report itself supported the king in his earlier attempt to force Stratford to account at the exchequer. But Edward was clearly prepared to waive this right: the report is made " issint qe les Pardons einz ces heures faites en Parlement se tiegnent en leur force " (*Rot. Parl.* ii. 127). This all represents the triumph of a middle party, but one which we may assume to be substantially in accord with the king. The fact was that Edward's affairs in April 1341 were in far too serious a position for him to follow the hot-heads of his party, and arouse a widespread opposition by an intemperate attack—with a bad case—on Stratford. He would have difficulty, in any case, in obtaining the indispensable supplies. The barons, as a whole, in 1341, were strongly in favour of the rights of the peerage, but there is no evidence of a desire on their part to support Stratford in opposition to the king. The fact that Warenne and *secretarii* like Darcy were in essentials on the same side is the only means of accounting satisfactorily for the almost inexplicable behaviour of the latter (*E.H.R.* xxx. 195, 196-7).

[1] The extent to which the crisis of 1341 was worked out in the king's council is discussed on pp. 182-6, below. See the letter of Stratford to the king, on January 1, 1341, with its reference to Rehoboam, and the bitter taunt, " Et, sire, coment mesmes ceaux qe ore se fount governours et conseillers, pluis avaunt qe lour estat lour done, en vous donant entendre qe ceo qe vous ore faitez est et serra plesaunt a vostre comune people, sachetz, sire, de certain, et ceo troveretz vous, qe nient en la manere ore comencee ", which has been much misunderstood (see p. 183 *n.* below). It was largely undeserved, for Edward's premeditated attack on his state officials in 1340 must have had the support of his baronial advisers overseas. It had even the help of such prelates as Henry Burghersh, Bishop of Lincoln. But the description fitted William Kilsby exactly, as perhaps was intended (R. Avesbury, p. 326).

[2] Murimuth, p. 121. Cf. Edward's declaration, quoted elsewhere, that he had withdrawn the concessions made to the parliament of 1341 " with the assent of the earls, barons, and other skilled persons " (*C.C.R.*, 1341–43, p. 335).

hebdomada Quadragisimae secretum concilium habuerunt",[1] or that as late as 1371 we learn Edward held "une graunt conseil a Wyncestre. . . . En quel conseil furent plusours evesqes et toutz les countz Dengleterre".[2] Edward made conspicuous use of his council in the years following 1341,[3] even on his campaigns abroad,[4] and in all of them his barons had an important place.

It is possible that in his personal attack on John Stratford in this year Edward overshot the mark, and that in this at least "household administration had tried its best and failed". From this point of view the crisis of 1341 "ended without a decided victory to either side".[5] But substantially the crisis represented a culmination, on the whole successful to the king, of a policy consistently followed since the beginning of his reign. Edward's policy had in the long run dissolved the baronial opposition to the crown, broken up the Lancastrian party, and left a group of ministers of state and ecclesiastics unreconciled by his policy of war as the sole heirs of the formidable constitutionalist movement of the previous reign. Their destruction as a political force was the last step in the consolidation of the new monarchy of Edward III.

Section II.—Chancellors, 1340–1371

The effect of this political development on the chancery was in the long run to be very great. Meanwhile the middle period of Edward's reign began with a chancellor congenial both to the court party and to the king. From December 2 to December 14 the great seal was in the care of William Kilsby, the most prominent of the household officers supporting the king. On December 16 a new chancellor was found in the person of Robert Bourchier, a man of little administrative experience,[6] but who had been for an indefinite period in the service of the Earl of Gloucester,[7] an

[1] Murimuth, p. 162. [2] *Anonimalle Chronicle*, p. 68.

[3] See the frequent references of Murimuth, himself not greatly interested in constitutional affairs (*Continuatio Chronicarum*, pp. 119, 121, 125, 147, 158, 159, 160, 162, 176, 190, 201; also *Anonimalle Chronicle*, pp. 31, 48, 56, 59, 67, 68, 69, 70, 86). In 1348, Geoffrey le Baker tells us, "post Pascha rex tenuit concilium ubi contra ministros sue familie ordinavit" (*Chronicon*, p. 96).

[4] During the Crecy campaign we learn that "in concilio domini regis fuit dispositum ut in crastino recedamus et versus civitates majores Normanniae . . . dirigamus" (Murimuth, p. 201). In the campaign of 1359 Henry Knighton tells us that at a village near Rheims, "rex tenuit unum magnum concilium cum duce Lancastriae et aliis magnatibus suis" (*Chronicon*, ii. 106; cf. *Anonimalle Chronicle*, p. 44). [5] T. F. Tout in *J.R.L.B.* viii. 1, p. 92.

[6] He had been a justice of *oyer et terminer* as early as 1332 (*C.P.R.*, 1330–34, p. 388). He had also been a member of parliament for Essex, and supervisor of the subsidy of a ninth in August 1340 (*D.N.B.* (Hunt); *C.P.R.*, 1340–43, p. 27). [7] *C.C.R.*, 1341–43, p. 46.

active supporter of the king in his campaigns abroad.[1] He was also the first lay chancellor to hold office in England in the middle ages, and his appointment, together with a lay treasurer, emphasises the anti-clericalism which now animated the king. The new period began not only with the court party but with laymen in the ascendancy in the council and in administration, and anti-clericalism remained an elusive but yet an important element in politics [2] and administration for the remainder of the reign.

Bourchier's actions as chancellor show him to have been a loyal supporter of the king. He headed commissions to inquire into oppressions by the late ministers, including the unpopular one in London: [3] he supported Edward in his controversy with John Stratford; and he protested against concessions wrung from the king by the parliament of 1341, and so gave Edward the excuse he needed for proclaiming them annulled.[4] As soon as Edward's immediate difficulties were over he retired from office, though not altogether from the service of the king.[5] He died of the plague in 1349.[6]

Meanwhile, during his period of office, he had placed the great seal under commission in January and February 1341,[7] but otherwise he seems to have carried out personally the duties of his office. He experienced some difficulty in providing for the household of chancery. He borrowed the Bishop of Worcester's house for more ample accommodation; [8] and to provide plate and equipment for it, he received a special grant of £200 from the king.[9] Besides this, to make up for the lack of any income such as that usually derived by chancellors from the church, he had a further grant of £300, to be received from the keeper of the hanaper.[10] In addition, the king made good an annual pension of £100 which Bourchier had lost through leaving Gloucester's service; and when the chancellor accompanied Edward overseas, even for the short space of sixty days, he had to draw on the king for £401 : 10s., to provide a retinue worthy of his position. His salary was thus temporarily assigned at £400 extra; [11] and yet Bourchier obviously had the greatest difficulty in maintaining a position that had usually, in the past, been supported by the resources of a bishopric at least, and even then, in the case of the Stratfords, only with the help of

[1] *Foedera*, ii. 1083, 1130.
[2] *E.H.R.* xlii. pp. 248-51.
[3] *C.C.R.*, 1341–43, p. 3.
[4] *Rot. Parl.* ii. 131.
[5] *Foedera*, iii. 147.
[6] *Cal. Inq. P.M.* ix. 241-2; *D.N.B.* (Hunt).
[7] *C.C.R.*, 1339–41, pp. 656, 657.
[8] *Ibid.* p. 657.
[9] *C.P.R.*, 1340–43, p. 84.
[10] *Ibid.* p. 84; *C.C.R.*, 1339–41, p. 612, etc.
[11] Not £500, as in *D.N.B.* (Hunt); and not permanently. Besides this Bourchier received several wardships and marriages (*C.P.R.*, 1340–43, p. 297; *C.F.R.* v. pp. 214, 219).

additional grants from the king.[1] Thus, if the appointment of a lay chancellor did not, in fact, entail a much greater drain on the royal finance, it must have meant both a considerable economy in the household of the chancellor and, for Bourchier at least, who depended so entirely on the royal grants, a greater dependence of the chancellor on the crown.

His successor, Parvyng, was a man of greater ability and of wider administrative experience, and his appointment shows clearly that the anti-clericalism of the king was something more than a temporary expedient. Parvyng was a member of a Cumberland family.[2] He had begun acting as a counsel as early as 1315; by 1327, Kingsford says, he was one of the most skilful counsels of his day. In 1330 he had been made serjeant-at-law, in 1333 king's serjeant, and by 1339 was hearing petitions "coram rege".[3] In May 1340 he was made a justice of the Common Bench,[4] and in July he was made chief justice of the King's Bench.[5] Early in the year he took the order of knighthood, and in April he received a grant of 100 marks to help him maintain his position.[6] In December 1340 he was made treasurer;[7] in August 1341 he received a grant of £40 to help him maintain himself in the office;[8] and in the following October he succeeded Bourchier in the office of chancellor.

During his period of office Parvyng maintained a number of his previous judicial activities;[9] but he was never recorded as delegating the great seal to a commission, and it is even possible that his legal activities tended to increase the equitable jurisdiction of chancery. The house which Parvyng occupied when he received the great seal was in Aldermanbury, London;[10] but later he followed the example of Bourchier: he was living in the house of the Bishop of Worcester by March 1343,[11] and it was there that he died.[12] On his promotion into the chancery he had obtained a grant of £200[13] for the equipment of his household; but this was the only extra grant that he received, and even the grant of £40 ceased when he left the exchequer. He maintained the household of chancery on the usual fee of £500, and apparently received

[1] See *supra*, p. 63.

[2] *D.N.B.* (Kingsford); *C.F.R.* v. p. 324. He was *amicus carissimus* of J. Kirkby, Bishop of Carlisle (J. Raine, *Letters from Northern Registers* (R.S.), p. 366).

[3] *D.N.B.*

[4] *C.P.R.*, 1338–40, p. 519.

[5] *C.C.R.*, 1339–41, p. 497.

[6] *C.P.R.*, 1338–40, p. 460.

[7] *C.P.R.*, 1340–43, p. 75.

[8] *C.C.R.*, 1341–43, p. 378.

[9] Foss, *Judges*, iii. 477; *C.P.R.*, 1340–43, pp. 361, 363, 373, 586; *C.C.R.*, 1341–43, p. 624.

[10] *C.C.R.*, 1341–43, p. 339

[11] *Foedera*, ii. 1220.

[12] *C.C.R.*, 1343–46, p. 225.

[13] *C.C.R.*, 1341–43, p. 301.

nothing in addition, except what he earned.[1] As may be imagined, he did not become wealthy in the process; [2] but he showed conclusively that the financial problem that arose out of the substitution of lay for clerical ministers of state was not a serious one.

He was succeeded by the last of this series of lay chancellors, Robert Sadington, an old justice and exchequer official,[3] who had first become chief baron of the exchequer in the promotions of 1337.[4] In June 1339 he was deputy treasurer for a short time, and in May 1340 he was made treasurer, only to be succeeded by Roger Northburgh in June.[5] Sadington was made chief baron of the exchequer again[6] until September 29, 1343, when he was promoted to the office of chancellor.[7]

Sadington may not have risen above the average standard of mediaeval morality in administration,[8] but there is little to distinguish his period of office in the chancery, either for good or bad. He did not appoint any commissions holding the great seal; and he was not conspicuous in any activities outside chancery until, on the renewal of Edward III.'s warlike activities against France, he appeared raising loans for the king in 1345, and acting on the council in England during the king's short expedition to Flanders.[9] On October 26 of the same year he was succeeded by John Offord, the first of a new series of clerical chancellors: he was reinstated for the third time in the office of chief baron of the exchequer: in February 1349 he entered into semi-retirement; and in the following year he died.[10]

The return to clerical chancellors by Edward III. is not easy to understand. Sadington had resided during his period of office at the house of the Bishop of Coventry in London. He required no extra grant from the king to enable him to support his position; and there is nothing definite to support Campbell's suggestion that he was incompetent in the work of the office.[11] It is true that the commons petitioned in 1343 against justices filling the office of chancellor,[12] but Edward III. was not in the habit of paying regard to the petitions of parliament unless circumstances compelled him;

[1] He got paid extra for his work on judicial commissions (*C.C.R.*, 1343–46, p. 173).
[2] *Cal. Inq. P.M.* viii. pp. 303, 304.
[3] *D.N.B.* (Kingsford). He was on a commission, selling corn, in 1329 (*C.F.R.* iv. p. 143); he was on a judicial commission in 1331 (*C.P.R.*, 1330–34, p. 235); and employed assessing a tallage in 1332 (*ibid.* p. 312).
[4] *C.P.R.*, 1334–38, p. 400.
[5] *C.P.R.*, 1338–40, pp. 387, 451, 471, 543-4.
[6] *Ibid.*
[7] See Appendix III. *infra.*
[8] Foss, *Judges*, iii. 366.
[9] *C.P.R.*, 1343–45, p. 487.
[10] *C.P.R.*, 1345–48, p. 13; *C.P.R.*, 1348–50, p. 252; *D.N.B.* It is worth noting that in 1344 or 1345 he had been a general attorney for Henry of Lancaster (Ancient Correspondence, 39/172).
[11] Campbell, *Lives of Chancellors*, pp. 247, 248.
[12] *Rot. Parl.* ii. 140.

and he had actually appointed Sadington immediately after this. Moreover he does not seem to have had any organised political opposition to fear after the defeat of the Stratfords. Yet it was probably in anticipation of a further indefinite period abroad, and from a desire to conciliate clerical opposition and leave behind a ministry free from dissensions, that Edward returned once more to clerical chancellors towards the end of 1345. There was no question, however, of the new clerical chancellor reverting to the policy of the Stratfords.

John Offord was possibly a relation of the Earl of Suffolk.[1] He was Master of Arts and Bachelor of Civil Law as early as 1327, when he received his first preferment in the church.[2] In 1334 he was described as a Professor of Civil Law.[3] It is extremely doubtful if he was ever a clerk of chancery;[4] he was never employed on any work specially belonging to the chancery, and his first recorded promotion was in the office of privy seal. He began his diplomatic career in 1334,[5] and after that appeared frequently on diplomatic missions. In January 1339 he was appointed king's proctor in the court of Rome.[6] He returned to England in April 1340, but was at Avignon again in November, and took a prominent part in presenting to the Pope the king's version of the quarrel with Stratford.[7] He was certainly in Edward's confidence during the crisis of 1340–41. In June 1341 he was "much occupied about the king's business, staying continually within, by his command".[8] In the following October he was kept in London "about the good direction" of the king's business "with others of the council".[9] By July 1342 he had become keeper of the privy seal,[10] accompanying the king to Brittany in the following August, with a considerable retinue.[11] In October 1345 he received the great seal, and handed over the privy seal to a chancery official, John Thoresby. The co-ordination between these two officials in the subsequent absence of the king overseas no doubt offered a gratifying contrast to the discord and faction of 1340.

Like his two predecessors in the chancery, Offord never delegated the care of the great seal during his period of office. He remained at the head of administration in England whilst the king was overseas in 1346. As on previous occasions, part of the administra-

[1] Kingsford, *D.N.B.*; Wharton, *Anglia Sacra*, i. 794.
[2] *Cal. of Papal Registers, Letters*, ii. 267. [3] *Foedera*, ii. 898.
[4] In 1328 he was on a commission visiting the chapel in Hastings Castle; but it was not necessarily a chancery visitation (*C.P.R.*, 1327–30, p. 354). He received attorneys in March 1343 (*C.P.R.*, 1343–45, p. 18).
[5] *Foedera*, ii. 898 [6] *C.P.R.*, 1338–40, p. 197.
[7] *Foedera*, ii. 1119; *Cal. of Papal Registers, Letters*, ii. 583-5.
[8] *C.P.R.*, 1340–43, p. 222. [9] *Ibid.* p. 335.
[10] *G.C.R.*, 1341–43, pp. 462, 545. [11] *Ibid.* p. 575.

tion went overseas with the king; but this time there is no sign of friction between the two sections of the king's advisers. John Stratford and his supporters in the clergy may have again threatened to give trouble;[1] but that only served to show the wisdom of Edward's return to clerical chancellors. In 1348 Offord was rewarded with the archbishopric of Canterbury;[2] but he succumbed to the plague before he could be consecrated.[3] Birchington's statement that he paid heavily for this promotion[4] is the only testimony against the honesty of his character. It is not difficult, without reverting to this theory, to imagine that Edward was willing to reward the man who must have contributed greatly to the good understanding between the king and his ministers at home which marked the second long period of Edward's absence abroad.

John Thoresby, the next chancellor, also came from the keepership of the privy seal; but unlike Offord he had previous to this been a chancery clerk. He is usually described as a Yorkshireman, (in the *D.N.B.* given as the son of Hugh de Thoresby, of Thoresby in Wensleydale, by Isabel, daughter of Sir Thomas Grove of Suffolk); but he more probably, perhaps, came from Thoresby in Lincolnshire.[5] He was introduced into the royal service by William

[1] Ancient Correspondence, 39/198. "De par le Roi. Porce qe nous avons entenduz qe lercevesque de Canterbire avera un council de la clergie de sa province a Loundres commenceant y ce proschein Lundy a qil est an pourpos de faire illeoques aucunes ordinances qe purrent estre preiudiciales a nous ou a nostre corone en temps avenir, vous mandons qe vous facez assembler nostre cher et foial William de Thorp et aucuns autres noz Justices et sages de nostre conseil qe ont nostre estat et lestat de nostre dite corone tendrement a cuer et parmy lour avis facez faire prohibicions et mandementiz tieux come y appartienent a fin qe nulle ordenance ne establissement se face au dit council qe porra sonner en preiudace de nous de nostre corone ou de nos droitures en qecunque manere, et a ce vous envoions nostre cher clerc Maistre Thomas Bradewardyn plus pleinement enforme de nostre entention, lui quel est envenantz. Don souz nostre prive seal a Caleys le XVIII iour de Septembre." (Dorse) "Fait mem' qe ceste lettre fut livre au chaunceller en son houstel le X^ieme^ iour d'octobre . . . le Tresorer estait mesme le temps, par Piere de Brugges."

[2] *C.P.R.*, 1348–50, p. 222.

[3] *Foedera*, iii. 185; Birchington in *Anglia Sacra*, i. 375. [4] *Ibid.*

[5] *D.N.B.* (C. L. Kingsford); R. Thoresby, *Ducatus Leodiensis*, pp. 71, 72; J. Raine, *Fasti Eboracenses*, p. 478, *et sqq.* In 1322 (when he mainperned for W. Melbourn, who had been in the service of Thomas, Earl of Lancaster), and in 1344, John Thoresby was described as being from Lincoln (*C.C.R.*, 1318–23, p. 446; *C.F.R.* v. 355; cf. *C.P.R.*, 1340 43, p. 138). But in 1346 John and Adam, sons of Peter Thoresby, broke into the lands of Hugh Thoresby in Thoresby village, Yorkshire (*C.P.R.*, 1345–48, p. 232). The manor of Thoresby in Lincolnshire had belonged to Thomas of Lancaster (*C.C.R.*, 1323–27, p. 269; *Cal. Inq. P.M.* vii. 66). Some observations on Thoresby are given in Dr. Workman's *John Wyclif*, ii. 157, but they contain a number of inaccuracies. He had not "won his place in the Church by his services as king's proctor in Rome in 1330". He was not keeper of the great seal in 1345. He was probably not from Wensleydale. And when he became Archbishop

Melton, Archbishop of York, who took Thoresby to be treasurer's clerk in the receipt when he was made treasurer of the exchequer in November 1330.[1] But previous to this he had begun his diplomatic career in the service of the house of Lancaster. In 1327 Henry of Lancaster had written to William Melton, requesting the services of Thoresby, "le dit mestre Johan qi nous desirroms moult en cetre busoigne", in the attempt that was being made to obtain the canonisation of Thomas of Lancaster.[2] And it was from the house of Lancaster that he obtained his first living in the church.[3]

He first acted as an envoy for the king in 1330;[4] and was probably in the chancery service as early as 1333.[5] He acted as notary in chancery as early as November 1336, and until 1341.[6] In July 1338 he accompanied Edward III. overseas.[7] During the crisis of 1340 he was at Avignon on the king's service.[8] In 1341 he was promoted to be keeper of the rolls of chancery,[9] and in 1345 he became keeper of the privy seal, to accompany Edward abroad in that capacity, and to have charge before Calais of both the great and the privy seals.[10] In September 1346 he came to England, with other confidential advisers of the king, to acquaint parliament with the situation abroad; and he probably resigned the privy seal and returned to the chancery shortly after this.[11] His successor in the care of the privy seal, it is interesting to notice, was possibly not in personal attendance on the king in the early part of his office.[12]

In June 1346 Thoresby received the bishopric of St. David's by papal provision;[13] and he seems to have spent much of his time for the next few years in ecclesiastical duties. In September 1349

---

of York he did not throw himself into his episcopal duties: he was both chancellor and archbishop from 1352 to 1356, and there is no evidence that he completely neglected the former office.

[1] Issue Rolls, 5 Edward III., Michaelmas. I am indebted for this information to Dr. D. M. Broome.

[2] *Letters from Northern Registers* (R.S.), ed. J. Raine, p. 340.

[3] J. Raine, *Fasti Ebor.* p. 451. He acted as attorney to William Melton, Archbishop of York, and to Ebulo Lestrange, whose wife was the widow of Thomas of Lancaster (*C.C.R.*, 1333–37, pp. 315, 327, 483; *C.C.R.*, 1323–27, p. 269).

[4] *Foedera*, ii. 782.

[5] *C.P.R.*, 1330–34, pp. 471, 473.

[6] *C.C.R.*, 1333–37, p. 639; *C.C.R.*, 1337–39, pp. 69, 121, 144 ("of Lincoln diocese"); *C.C.R.*, 1339–41, p. 78; *C.P.R.*, 1334–38, p. 329).

[7] Chancery Warrants of P.S., I./248/11213.

[8] *Cal. of Papal Registers, Letters*, ii. 583, 584. It is worth noting that he and his colleagues were entrusted with the task of blackening the character of Stratford to the Pope.

[9] *Foedera*, ii. 1151.

[10] *C.P.R.*, 1345–48, p. 142; *C.C.R.*, 1346–49, p. 137.

[11] In October 1346 he was described, on an embassy, only as Canon of Lincoln (*Foedera*, iii. 92; *C.P.R.*, 1345–48, p. 478).

[12] *C.P.R.*, 1345–48, p. 251; *C.C.R.*, 1346–49, pp. 270, 397.

[13] *C.P.R.*, 1345–48, p. 361.

he was transferred to Worcester,[1] and in 1352 he became Archbishop of York,[2] but before this, in June 1349, he had succeeded Offord in the chancery. His promotion from the office of privy seal, following that of Offord, emphasises the close connection existing between the two offices at this time. It emphasises also perhaps, what is evident in the promotion of chancery clerks at this period, that political influences on the chancery—in particular that of the house of Lancaster—were by no means in abeyance between 1341 and 1371.

The succession of clerical chancellors was continued by the appointment of William Edyngton to succeed John Thoresby on November 27, 1356. Thoresby had, in December 1355, been reprimanded by Edward III. for his reluctance to take steps against the Bishop of Ely, with whom the king had openly quarrelled in the parliament of the previous November, and whose temporalities he had commanded to be seized.[3] Edward strongly condemned his chancellor and treasurer for their negligence, and told them bluntly "et pensons bien qe si la chose eust touche un grant piere de la terre autre qe Evesque, vous ent eussiez fait autre execution". This is of considerable interest as showing clearly the suspicion with which Edward regarded even the best of his clerical ministers; but it cannot be connected with the resignation of Thoresby in the following November, nor did it affect Edward's choice of a successor, for the next chancellor, Edyngton, was the treasurer who had been reprimanded with Thoresby in December 1355.

Edyngton, like his predecessor, was of obscure birth, and is said to have obtained his first advancement through the strong curialist Adam Orleton, in whose service he appeared in 1332 and 1336.[4] He probably began his administrative career in the exchequer or the household: there is no trace of his activities in the chancery. By 1340 he was receiver of the ninth this side of Trent;[5] and in the following year he became keeper of the wardrobe.[6] He became treasurer in 1344 and chancellor in 1356. He had been extremely successful in the treasury;[7] and he continued to be so in the chancery, we may assume, in spite of the evidence of the chronicle of Meaux, that Edyngton "propter

[1] *Cal. of Papal Registers, Letters*, iii. 311.

[2] *Foedera*, iii. 251; *C.P.R.*, 1350–54, p. 404. [3] *E.H.R.* xlii. 248-51.

[4] *D.N.B.* (R. L. Poole). He was parson of the church of Cheriton in the presentation of Orleton, and was also Orleton's attorney (1332 and 1336) (*C.P.R.*, 1334–38, pp. 227, 306; *C.P.R.*, 1330–34, p. 277).

[5] *C.C.R.*, 1339–41, p. 438. Cf. *ibid.* p. 562.

[6] *C.P.R.*, 1345–48, p. 120; *C.P.R.*, 1340–43, p. 346. He is given as accounting from November 25, 1341, to April 10, 1344.

[7] *Chron. Angliae*, p. 29: "qui plus dilexit regis commodum quam communitatis".

munera vix abbati nostro favebat" in judicial proceedings against a number of serfs belonging to the abbey.[1] He was chancellor for seven years, on the whole uneventful: he had been made Bishop of Winchester in 1345; and he refused, in 1356, to be promoted further to the archbishopric of Canterbury.[2]

Edyngton was succeeded in 1363 by Simon Langham, Bishop of Ely, who also came from exchequer service to the office of chancellor. He had been a monk, and subsequently, in 1349, Abbot of St. Peter's, Westminster, making a considerable reputation for himself in this latter capacity by his management of the finances of the abbey.[3] It was this, it is said, which caused the king to appoint him to the position of treasurer in succession to John Sheppey, Bishop of Rochester. For his work as treasurer he became Bishop of Ely; and on February 19, 1363, was appointed to succeed Edyngton in the chancery. He held the great seal until 1367, when he resigned it after being created Archbishop of Canterbury. He subsequently became a cardinal, resigned the archbishopric of Canterbury, and took up his residence outside England.[4] He is chiefly notable as the last of the series of able chancellors, during the peaceful middle years of Edward's reign, who continued the close dependence on, and co-operation with, the crown, begun by the lay chancellors of 1341, who were promoted from outside chancery itself (though Thoresby, of course, was an old chancery clerk), and who effectively brought an end to the political traditions that had distinguished the office in the early years of Edward III., and made it one centre of the political crisis of 1340–41. Although Langham's successor, William of Wykeham, continued, to some extent, the traditions established in the appointment of chancellors since 1341, his time of office marks the beginning of a new period of Edward III.'s reign. With his removal from the chancellorship in 1371 it is clear that the first stage had been traversed towards the outbreak of political strife that culminated in the Good Parliament of 1376, and continued far into the succeeding reign.

Wykeham was of obscure descent and had no university education.[5] He possibly began life as secretary to the constable of Winchester castle; and he entered the royal service some time

[1] *Chron. de Melsa*, iii. 135, 141; *Chron. J. of Reading*, pp. 113, 250.

[2] Auctor. Bridlington (in *Chronicles of Edward I. and Edward II.*), ii. 150; *Chron. J. of Reading*, p. 176.

[3] *Church Quarterly Review*, 1908, J. A. Robinson, pp. 339, 340; *Cal. of Papal Registers, Letters*, iii. 182, 337, 339; *C.P.R.*, 1348–50, p. 404; *Chron. Angliae*, p. 28; *A. Mur. Continuatio*, p. 181.

[4] *C.P.R.*, 1367–70, p. 187; Wharton, *Anglia Sacra*, i. 47.

[5] Lowth, *Life of Wykeham*, pp. viii, 10, 13; *D.N.B.* (Tait); *Polychronicon*, Ranulph Higden, viii. 359.

before 1349.[1] After some experience as surveyor of castles and royal works,[2] and at least as early as 1361, he became a clerk of the royal chamber.[3] From this time his promotion was rapid: in 1362 he became joint keeper of the king's forest "this side Trent";[4] and on June 10, 1363, he was made keeper of the privy seal.[5] During the same period Edward had his ecclesiastical promotion "much at heart";[6] in 1361 alone he was presented to no less than nine prebends.[7]

Wykeham's quick advancement and growing pre-eminence were equally matters of comment for the chroniclers.[8] Whilst he was keeper of the privy seal, Froissart said of him, "nothing was done in any respect without his advice", and that "the king who loved Wykeham very much, did whatever he desired";[9] and his enemies later attributed to him the greatest influence during this period.[10] It was then that the king obtained for him election to the bishopric of Winchester;[11] and although the Pope at first withheld his consent,[12] Edward not only allowed Wykeham to farm the temporalities of the see during the vacancy,[13] but brought strong pressure to bear on the Pope through the Duke of Bourbon,[14] then a hostage in England, and eventually, on

[1] *Polychronicon*, Ranulph Higden, viii. 359; *C.P.R.*, 1348–50, p. 339.

[2] *C.P.R.*, 1354–58, p. 383; *C.P.R.*, 1358–61, pp. 243, 576; *Polychronicon*, R. Higden, viii. 359; *Chronicon Angliae*, p. 41.

[3] *Cal. of Papal Registers, Petitions*, i. 380. Cf. *ibid.* 373; *E.H.R.* xxv. 442 (Miss L. B. Dibben).

[4] *C.C.R.*, 1360–64, p. 377.

[5] *C.P.R.*, 1364–67, p. 97.

[6] *Cal. of Papal Registers, Petitions*, i. 380.

[7] *C.P.R.*, 1361–64, pp. 42, 43 (*bis*), 79, 107, 117, 127, 134, 136; *Cal. of Papal Registers, Petitions*, i. 320, 363.

[8] *Polychronicon*, R. Higden, viii. 359, 360.

[9] Froissart, vii. 101, 102: "Li rois, qui moult amoit ce Wikan fist tout ce qu'il veult."

[10] *Foedera*, iv. 12: "Item quod praedictus episcopus existens clericus privati sigilli et capitalis secreti concilii ac gubernator magni concilii", etc. This refers to the period 1362–67, when Wykeham was keeper of the privy seal, not to the year 1377, as Professor Pollard has stated in *The Evolution of Parliament*, p. 279, *n.* 2, and p. 281. Wykeham was not keeper of the privy seal after having been chancellor.

[11] *C.C.R.*, 1364–68, p. 250.

[12] In addition to the reasons for this, given by Professor Tait in the *D.N.B.*, may be added the quarrel which had arisen earlier concerning the prebend of St. Andrew's, Auckland, which was disputed between Wykeham and Robert Stratton, auditor of the papal palace and papal chaplain. Stratton finally told the Pope that he had no hope of obtaining the prebend, "being in fear and terror of a certain William of Wykeham, who asserts that papal provision . . . has been made to him" (*Cal. of Papal Registers, Petitions*, i. 395).

[13] *C.P.R.*, 1364–67, p. 353; *Register of Wykeham*, i. 3.

[14] Froissart, vii. 101; Lowth, *Life of Wykeham*, pp. 45, 46. Cf. *Cal. of Papal Registers, Letters*, iv. 21.

July 14, 1367,[1] obtained Wykeham's appointment to the see. Wykeham had obtained his bishopric " by laboure of the kynge "; [2] and he succeeded, in the same year, to the chancellorship as the trusted minister and personal servant of Edward himself, the last of that type to be appointed during the reign.

The charges later brought against him by his enemies with regard to his period of office in the chancery, are themselves sufficient to prove that he was both an honest and an able chancellor. Some of the charges against him were ridiculous; [3] the most serious of them—as, for example, the charge of obtaining money on his own authority from the exchequer, to be used for his own purposes—were not proved; [4] others, on which he appears to have been condemned, and which appear in a letter of pardon issued in 1377,[5] were of a most trivial nature. He had apparently caused fines paid into chancery to be diminished—in one case as a result of a corrupt bargain, and had caused entries in the rolls of parliament to be rased. Wykeham, in reply to these, adopted an untenable position when he claimed that the prerogatives of his office did not allow him to be questioned. As Skipwith truly remarked, every officer in the realm was accountable to the king for all the acts of his office. But Wykeham probably recognised the futility of any defence in the face of the political opposition which had inspired the charges against him; and we may safely conclude that if his enemies in 1377 could find no better evidence against him, his record in office was a fairly blameless one.[6]

Wykeham was dismissed from the office of chancellor on March 14, 1371, as a result of a petition against clerical ministers presented in parliament.[7] With his dismissal the political strife which Edward had suppressed in the early part of his reign reappeared, this time quite beyond the king's control, in the last years of his life. In spite of this the issues involved in the political crisis of 1371 are exceedingly obscure, though undoubtedly

[1] *Register of Wykeham*, i. 8. The Pope granted to Wykeham the care of the spirituals and temporals of the bishopric on December 11, 1366, Edward handed over the temporalities on October 12, 1367, and Wykeham was enthroned on July 9, 1368 (Lowth, Appendix V.; *Foedera*, iii. 833; *Register of Wykeham*, ii. 2).

[2] *Polychronicon*, R. Higden, viii. 437-8. Cf. *Chronicon J. de Reading* (edited, Tait), pp. 178, 346.

[3] They are discussed in detail in Lowth's *Life of Wykeham*.

[4] These are given in *Foedera*, iv. 12, 13, 14.

[5] *Ibid.* iv. 14, 15.

[6] Wykeham's good work in other directions is well known; but it is worth while noticing a testimony of his work for the chapel of St. Martin le Grand, London, whilst he was dean, given by William Mulso, a household officer, and probably a political opponent later of Wykeham (*C.P.R.*, 1367–70, p. 177; *C.P.R.*, 1358–61, p. 417).

[7] *Rot. Parl.* ii. 304.

important in themselves and closely connected with those that dominated the crisis of 1376.

In the first place, however, it seems clear that the petition of 1371, although entered in the rolls of parliament amongst those coming from the commons, really originated in the lords. It expressly stated that the request for a change was agreed upon by the earls, barons, and commons of England;[1] and Thomas Walsingham, the most reliable chronicler for the period, states that[2] "In isto Parliamento, ad petitionem Dominorum, in odium Ecclesiae, amoti sunt Episcopi de officiis Cancellariae et Thesaurariae, et Clericus de Privato Sigillo; et in loco illorum saeculares subrogati fuere". It is possible that the young Earl of Pembroke was the leader in this attack;[3] there is no indication, in marked contrast with 1340, that it originated with the king.[4] Secondly, although the anti-clerical feeling in 1371 was possibly stronger than in 1340, the changes that can be discerned resulting from it were even more limited in their extent. The second crisis, like the first, was primarily a political one. In the third place the nature of the political antagonisms which underlay the whole crisis are, to some extent, as in 1341, reflected in the administrative changes which accompanied it.

Besides Wykeham from chancery, Thomas Brantingham was removed from the exchequer and Peter Lacy from the office of the privy seal,[5] all three being clerical ministers. Brantingham, like Wykeham, was an old household officer, devoted to the monarchy;[6] Peter Lacy was a servant of the Prince of Wales.[7] On the other hand, the new chancellor, Robert Thorp, was the chief councillor of John of Gaunt,[8] and Richard Scrope of Bolton,

[1] *Rot. Parl.* ii. 304.

[2] *Historia Anglicana*, T. Walsingham (R.S.), i. 313. Cf. *Polychronicon*, R. Higden, viii. 376. For the use of *Dominus*, see Walsingham, p. 320; A. Murimuth, *Chronicon* (ed. T. Hogg), p. 210.

[3] Walsingham, i. 314. Pembroke had just returned from the theatre of war, possibly in the company of the Prince of Wales. But either this is not so, or Ramsay is wrong when he makes the prince "sign" at Bordeaux on February 24 (*Genesis of Lancaster*, ii. 10). The chronicles describe the prince as arriving in January; and parliament was to begin in February. Wycliffe may have referred to the action of Pembroke as the noble cleverer than the rest who led an attack on clerical magnates; but this hardly accords with Walsingham's description of him as "juvenis viginti quinque circiter annorum" (Stubbs, *C.H.* ii. 440, 441; *Fasciculi Zizaniorum* (ed. Shirley), p. xxi).

[4] I have ventured here to differ slightly from the view of Professor Tout in *J.R.L.B.* viii. 1, p. 97 ("Conflicting Tendencies"). [5] Walsingham, i. 313.

[6] *P.R.O. Lists and Indexes*, xi. 231. In 1389 Richard II. employed both Wykeham and Brantingham when beginning the period of his personal rule (Stubbs, *C.H.* ii. 506).

[7] *Cal. of Papal Registers, Petitions*, i. 155; *C.P.R.*, 1370–74, pp. 69, 189.

[8] *John of Gaunt's Register*, ii. 365.

the treasurer, was a member of Gaunt's retinue.[1] If the position, in this respect, of Nicholas Carew, the new lay keeper of the privy seal, is not clear, there is no doubt whatever in the case of changes —probably resulting from Thorp's promotion—in the Common Bench; [2] whilst at least one significant change in the household was the appointment of William Latimer to be chamberlain.[3]

There is sufficient evidence, perhaps, to assume that the aggressive political party in 1371, although it may have been led by the Earl of Pembroke, was inspired by John of Gaunt.[4] As to the immediate issues leading up to the crisis, we may accept Professor Tout's fortunate suggestion—" Even the anti-clerical cry was but a mask for the real issue, which was, I venture to think, the conduct of the war ".[5] Great colour is lent to this suggestion by the rapidly developing hostility between John of Gaunt and the Black Prince, whom he had " virtually superseded " in Aquitaine in July 1370;[6] by the complete control John of Gaunt obtained, now and until 1376, over the prosecution of the war,[7] and by the fact that his most prominent associates in politics, the Earls of Cambridge, Arundel, and Pembroke, were similarly his leading supporters in military affairs.

Like the crisis of 1341, that of 1371 formed a real landmark in

[1] Armitage-Smith, *John of Gaunt*, Appendix III.; *Register*, i. 230.

[2] William Fynchedon, the new chief justice, was a member of Gaunt's council (*C.P.R.*, 1370–74, p. 64; *John of Gaunt's Register*, i. 32, 94, 105, 141: ii. 356, etc.). Roger Meres, a justice, created in November 1371, was probably another member of the same council (*C.P.R.*, 1370–74, p. 159; *Register*, i. 67: ii. 356).

[3] In March 1371 Richard of Pembridge first appeared as chamberlain, but by October he had been succeeded by William Latimer (*Foedera*, iii. 911; *C.C.R.*, 1369–74, p. 287; *C.P.R.*, 1370–74, p. 136). The position of Latimer in politics is discussed later. Richard of Pembridge, although he had been in the service of Joan, wife of the Black Prince, probably remained in the service of her son Thomas of Holland who supported John of Gaunt and married a daughter of the Earl of Arundel. Richard of Pembridge himself later married a sister of Sir John Burley, a retainer of John of Gaunt (*C.P.R.*, 1361–64, p. 258; *Register*, i. 33, 34: ii. 339; *D.N.B.* (W. A. J. Archbold and C. L. Kingsford)). It is worth noting that it was this Richard who later refused to supersede William of Windsor in Ireland.

[4] Cf. Bishop Stubbs' warning against this (*C.H.* ii. 442). It is possible, however, that Stubbs overstresses the importance of the anti-clerical aspect of the controversy (cf. Tout, *J.R.L.B.* viii. 1, p. 98), and does not sufficiently stress the essential unity of the period 1371–76 in administration and politics. Too much importance has perhaps been attached to John of Gaunt's absence overseas.

[5] *J.R.L.B.* viii. 1, p. 97.

[6] *Foedera*, iii. 894.

[7] He himself was in command in 1370, in the south; in the north, Robert Knolles, a most capable soldier, but also one of the leading retainers of John of Gaunt (*ibid.* pp. 894-7; *C.P.R.*, 1367–70, p. 453; Armitage-Smith, *John of Gaunt*, Appendix III.).

the political history of the time.[1] It did, indeed, mark a new and important development in the political system which had been established after the former crisis by Edward III. By the end of 1341 the problems of Edward's early years had seemed at length about to be overcome. The baronage as a whole was deeply committed to the king's support; Edward III. had achieved for the monarchy a position more brilliant than it had occupied since the most successful days of Edward I. His policy of aggression abroad and conciliation at home had laid the foundations of a personal ascendancy which only a few English kings before or after possessed. If he did not hand down to succeeding generations, with the memories of Sluys and Crecy, an ideal of kingship like that of Edward I., this was largely because the means by which he had achieved his supremacy, although perhaps the only ones left to him, were themselves inevitably in the long run the cause of a failure even more spectacular than his success.

Edward's political strategy was ultimately based on the advantages of a successful foreign war. It was a policy imposed on him by the circumstances of his accession rather than by deliberate choice, however congenial to him personally it may have been. Its well-known weakness lay in the fact that it offered no final solution to the problems with which he was faced—it rather steadily increased them—and that it staked everything on the chances of military success. For this last is always, in the long run, the only popular justification of war; and if Edward III. established himself in an unassailable position in his early years as a giver of victory, he exposed himself to undeserved contempt later, because he could not achieve the impossible in the shape of success indefinitely prolonged. Until 1369 the undivided allegiance of the baronage was substantially his, as the great leader of the war; but after this his personal ascendancy was gone. The most ambitious warrior of the period was John of Gaunt, who had inherited the whole of the Lancastrian inheritance and part at least, we may presume, of the Lancastrian political ideals. It was military failure which was the Nemesis which awaited Edward III. in the later years of his reign, and was the most dismal heritage which he left to the unfortunate Richard II. The period from 1341 to 1369

[1] For a slightly different view of this period see Professor Tout's extremely suggestive and comprehensive essay in the *J.R.L.B.* viii. 1 ("Conflicting Tendencies"). I have here ventured to assume a greater importance than he has done for the crisis of 1371. "In fact it was"—he writes (p. 97)—"in essentials an effort of a warlike coterie of nobles to remove ministers suspected of not throwing their whole strength into the vigorous prosecution of the war. Beyond this no general administrative question was involved." I have regarded it as the point at which a domination of the royal council passed largely into the hands of the political party of John of Gaunt.

was the most brilliant of his reign, when his personal ascendancy was almost complete, but it was the period which witnessed the real failure of his statesmanship at home and abroad. He failed to provide a more permanent basis for the restored monarchy than the co-operation of his baronage in a successful foreign war; and when he could no longer provide even this, his unchallenged control of the political situation soon became a thing of the past.

Section III.—Chancellors, 1371–1376

The exact position of Edward III. with regard to the government after 1371 is as yet impossible to define. It is a matter of the greatest importance, concerning which, however, very little precise information is to be found. The best-informed chronicler of the period does not make him suffer from a real breakdown in health until towards the end of 1376.[1] He was still able to visit and comfort the Black Prince when the latter had been seized with the last and fatal attack of his insidious disease.[2] He was not completely incapacitated by ill-health, it would appear, until 1376 at least. Yet it is certain that his position in regard to the government was profoundly different after 1371 from what it had been at any time in the period before, during his personal rule. In 1376 the animosities of the Good Parliament were all directed against the councillors and confidants who were giving him evil advice. At first sight this looks like the invariable common form, but on closer examination it appears to be nothing but the barest truth. It was the council which dominated the political situation in the later years of Edward III.; whatever the motives which animated the king, it seems clear that long before 1376 he had relinquished direct and effective political control. The real direction of affairs after 1371 must soon have slipped largely into the hands of John of Gaunt and his supporters on the council: the last crisis of the reign of Edward III. was essentially a revolt, like the first, against an unpopular influence controlling the king, though this time, unlike in 1330, it was a constitutional and not a flagrantly unconstitutional control. It was a foretaste, by John of Gaunt, of the government by council which was later to be inflicted on his son.

Wykeham's position as between the contending political parties, both in 1371 and afterwards, was exceedingly ambiguous. He was in the employment and confidence, before 1371, both of

[1] *Anonimalle Chronicle*, p. 94. He was present at the first day of the Good Parliament (*ibid.* p. 80).

[2] *Ibid.* p. 94.

the Earl of Pembroke and of John of Gaunt.[1] On the other hand he had long been the guardian of the young Earl of March;[2] and he had acted as the general attorney of the Black Prince before the crisis of 1371.[3] During the crisis he maintained quite friendly relations with his opponents. He gave up the great seal on March 24; but he was present on the 26th, when it was handed to his successor.[4] He was also present on March 27, when Thorp opened the bag containing the seal; and it was not until Friday 28th that he delivered to the king two other seals that were in his charge.[5] After his removal from the chancery he still remained in the service of John of Gaunt and the Earl of Pembroke.[6] But his support of the Black Prince became more pronounced. He was later one of the executors of the prince's will;[7] and Richard II., in issuing a pardon to him in 1377, did it partly, he said, "on account of the great place which he [Wykeham] held . . . with our father, and the special affection and sincere liking which our father . . . had for [him]".[8] But this does not establish clearly Wykeham's complete neutrality. The years after 1371 were years of complete ascendancy for the party that had driven him from office; but they were also, there can be no doubt, the years in which the political strife and personal animosities of 1376—in which Wykeham took a prominent part—came slowly to a head.

Sir Robert Thorp, the successor of Wykeham in the chancery, was of the same type as Parvyng and Sadington, the most successful of the previous lay chancellors, a capable and experienced lawyer. He was of obscure birth, probably descended from a Northamptonshire family.[9] He was an advocate as early as

[1] *Foedera*, iii. 862, 976; *C.P.R.*, 1367–70, p. 212. The commission on which Wykeham was appointed in 1369 "to administer J. of Gaunt's possessions after death", was composed exclusively of retainers or close friends of the duke.

[2] *Political History*, vol. iii. (Tout), p. 435.

[3] Ancient Correspondence, 40/148.

[4] *C.C.R.*, 1369–74, p. 287; *Foedera*, iii. 911. In *Foedera* the date of his resignation is given as March 14; in the Close Rolls as March 24. In 1371, however, March 14 was not a Monday, whilst March 24 was.

[5] *Ibid.*; *C.C.R.*, 1369–74, p. 287; *Foedera*, iii. 912.

[6] *Foedera*, iii. 976, 1026; *C.P.R.*, 1374–77, p. 128.

[7] J. Moisant, *Le Prince Noir en Aquitaine*, p. 231.

[8] *Foedera*, iv. 13.

[9] William Thorp, brother and heir of Robert Thorp the chancellor, was the son of a Sir Robert Thorp, probably coming from Northamptonshire (*C.P.R.*, 1370–74, p. 270; *C.C.R.*, 1337–39, p. 281). The mother of the chancellor was named Margaret, a fact which seems to rule out the Thorps of Norfolk as his ancestors, although these are chosen by Foss in *Judges* and by W. Hunt in *D.N.B.* (Cf. also *History of Corpus Christi*, Masters, p. 37; *C.P.R.*, 1370–74, p. 270.) For the Thorps of Norfolk, see *Calendar of Inquisitions*, vii. 214. Here there was a Robert Thorp who may have been the chancellor's father, but whose wife was named Beatrice (*C.C.R.*, 1343–46, p. 271). In one place, in

1339:[1] by 1346 he had been created one of the king's serjeants-at-law;[2] and on June 27, 1356, he was appointed chief justice of the Common Bench.[3] In 1357 he received a grant of £40 to support the honour of knighthood.[4] Fourteen years later he received the care of the great seal. Although it has not definitely been proved that he was Master of Pembroke Hall, Cambridge,[5] we may take it that he was "a close friend of the Earl of Pembroke", and a political supporter of John of Gaunt.

Thorp only held the office of chancellor for a little over a year. For part of this short time the seal was in the hands of a commission, the head of which was not, as usual, the keeper of the rolls, but Walter Power, an old servant of the house of Lancaster. Thorp died on June 29, 1372, at the house of the Bishop of Salisbury in Fleet Street;[6] and as he lay dying he gave the seal to the care of John Knyvet, chief justice; Richard Ravenser, keeper of the hanaper of chancery; and William Burstall, keeper of the rolls. On his death Ravenser and Richard Treton handed the seal to Latimer the chamberlain, Richard Scrope the treasurer, and Nicholas Carew, keeper of the privy seal. It was then deposited in the exchequer to be used under the seals of these three keepers, until John Knyvet was appointed chancellor on July 5, and received the seal from John of Gaunt after taking the oath of office. The king himself had never figured so little in the transference of the great seal, even during his minority; and the whole process throws an interesting sidelight on the part played by Edward III.—and his leading advisers—in later events.

John Knyvet continued the lay chancellors re-established by the crisis of 1371, and maintained office through the difficult period that followed, almost to the end of the reign. He was the son of Richard Knyvet of Southwark, keeper of the forest of Clyve in Northamptonshire.[7] He was practising in the law courts in 1347:[8]

1350, Robert Thorp, knight, and his son were described as of the diocese of Lincoln (*Cal. of Papal Registers, Letters*, iii. 368, 369), whilst the place with which Thorp was most constantly associated was Maxey in Northamptonshire (*C.P.R.*, 1364–67, p. 415; *C.C.R.*, 1369–74, pp. 260, 440; *C.P.R.*, 1370–74, pp. 166, 434).

[1] *Year Books* 13 and 14 Ed. III. pp. 133, 147, 161; *D.N.B.* gives this date as 1340.

[2] *Origines Juridiciales* (Dugdale), p. 45; *Report on the Dignity of a Peer*, Appendix I. 560. Foss in *Judges* gives this date as 1345.

[3] *C.P.R.*, 1354–58, p. 408.

[4] *Ibid.* p. 533.

[5] *D.N.B.* (Hunt) quotes Masters' *History of Corpus Christi, Cambridge*, who, however, gives no reference with his statement. Stubbs (*C.H.* ii. 442) and Foss (*Judges*) similarly describe Thorpe as Master of Pembroke Hall, Foss putting the date after 1356.

[6] *Foedera*, iii. 951.

[7] *C.C.R.*, 1346–49, pp. 283, 289; *C.P.R.*, 1343–45, p. 363; *C.P.R.*, 1348–50, p. 515; *D.N.B.* (Kingsford).

[8] *Ibid.*

by September 30, 1361, he had been made a justice of common pleas,[1] and on October 29, 1365, he was made chief justice of the King's Bench.[2] He was a friend of the dead chancellor,[3] and was himself connected with the house of Bohun [4]—at this time closely associated both with Arundel and John of Gaunt.[5] In 1375 Knyvet himself was one of John of Gaunt's attorneys.[6]

Knyvet was not such an obvious politician as Robert Thorp, but nevertheless there is sufficient evidence, considering the circumstances of his election, to justify the assumption that he was supported in office by the same political party as his predecessor. In the next parliament (of 1372) it has been suggested that the "gentz de Seinte Eglise" may have inspired an attack on the lawyers, in revenge for 1371, in the form of a request by the commons that lawyers in practice should not be eligible as knights of the shire.[7] But the parliament of 1372 showed as little sympathy for the clergy as that of 1371; there were four petitions presented in 1372 against abuses in the church, and one actually on behalf of justices of the Common Bench.[8] More important were complaints that no man be put under restraint, or law be annulled, by "Prives de Conseil nostre Seigneur le Roi", and that "certeins Ministres de Conseil nostre Seigneur" should not be allowed to influence the election of juries.[9] This is the first mention of an influence which became the great object of attack by the commons in 1376, and was perhaps the first note of opposition to the regime introduced by the crisis of the previous year.

The parliament of November 1373, however, betrayed an unmistakable opposition to the government. Knyvet was tactless in his opening address, and he demanded immediate aid and advice from parliament, suspending for a time the answering of petitions.[10] The commons in return requested a committee from the lords

[1] *D.N.B.* (Kingsford); Foss, *Tabulae Curiales*; *C.P.R.*, 1361–64, p. 123.

[2] *C.C.R.*, 1364–68, p. 144.

[3] *C.P.R.*, 1370–74, p. 270; *C.C.R.*, 1369–74, p. 440.

[4] *C.P.R.*, 1345–48, p. 369; *C.P.R.*, 1354–58, p. 255; *C.P.R.*, 1361–64, p. 173; *C.P.R.*, 1364–67, p. 303; *C.P.R.*, 1367–70, p. 41; *C.C.R.*, 1354–60, p. 212.

[5] *C.P.R.*, 1361–64, p. 173; *C.P.R.*, 1364–67, p. 239; *John of Gaunt's Register*, ii. 108, 155.

[6] *Foedera*, iii. 1026.

[7] Stubbs, *C.H.* ii. 445; *Rot. Parl.* ii. 310. The report of these proceedings in the *Rot. Parl.* does not suggest that this attack came specially from the commons: "Les Petitions queles les Communes avoient mis en Parlement et les Respons sur eles donez furent luez, et auxi une Ordenance faite en mesme le Parlement, en manere q'ensuit: Purce qe les Gentz de Ley, etc."

[8] *Rot. Parl.* ii. 311, 312, 313, 314, Nos. VII., XIII., XXII., XXIII., XXVII.

[9] *Ibid.* pp. 311, 312.

[10] *Rot. Parl.* ii. 316.

to consult with them in the matter; and they chose[1] for this purpose the Bishops of London, Winchester, and Bath and Wells, the Earls Arundel and Salisbury and the Earl of March, Guy Brian and Henry Scrope. Of this committee the Bishop of London and the Earl of Arundel were probably supporters of the government,[2] but William Wykeham, John Harewell[3] and the Earl of March were certainly not; and the Earl of Salisbury, though friendly with John of Gaunt now and later, was an old friend and companion of the Black Prince.[4] If the commons had indeed nominated the committee, it is significant that they chose more opponents than supporters of the government for its leading members; whilst their invitation to the lords was an innovation in parliamentary procedure well calculated, under the circumstances, to strengthen any projected opposition to the crown. But whilst it seems probable, from this, that opposition to the government was contemplated in the commons, it is clear that there was no political party prepared for open opposition in the country at large. John of Gaunt clearly supported the existing regime, and could still pose as the inspirer of a new and glorious war of aggression against the French;[5] the Black Prince was ill; the bishops were divided and in disfavour with the nation. Under these circumstances the commons could do very little; after five days' deliberation they voted a moderate subsidy strictly apportioned to the needs of the war;[6] and with this measure opposition to the dominant political party came to an end until 1376.

During the period which followed, however, a number of causes contributed to stiffen resistance to the government. Knyvet's story of Gaunt's military achievements in 1373 had been proved

[1] Bishop Stubbs has said that the lords sent the committee at the request of the commons; but in the *Rot. Parl.* it is stated explicitly that the commons asked for these particular individuals to be sent: "Au quel jour vindront ascons des Communes en noun de touz en mesme la Chambre Blanche, et prierent as Seigneurs illeoqes esteantz, q'ils purroient avoir ascons Evesqes Contes et Barons ove queux ils purroient treter . . .: et demanderont les Evesques de Londres, de Wyncester, etc." (*ibid.* p. 316; *C.H.* ii. 446).

[2] *D.N.B.* (Hunt); *ibid.* (T. F. Tout). Richard Fitzalan, Earl of Arundel, had married, in 1345, Eleanor, sister of Henry, the first Duke of Lancaster, and aunt of Blanche of Lancaster. He was a close supporter of Edward III.

[3] He was a former chancellor of the Black Prince in Aquitaine (*Cal. of Papal Registers, Petitions*, i. 509; cf. i. 425).

[4] *John of Gaunt's Register*, i. 158, ii. 93; *D.N.B.* (Hunt).

[5] At this stage John of Gaunt could still pose as a highly successful general. Knyvet had told the parliament of 1373, in his opening address, that "Le Roi de Castil et de Leon et Duc de Lancastr', ove plusours Grantz et autres en sa compaignie . . . parmy lour bon et noble Governement et Fait d'armes ont fait grantz Damages et Destructions as Enemys par dela" (*Rot. Parl.* ii. 316).

[6] *Rot. Parl.* ii. 317.

nothing but an empty boast: the war was then, and continued to be, disastrous for England. In diplomacy the English were duped by the French and cheated by the Pope.[1] At home the government was embarrassed on the one hand by a necessary but increasingly unpopular association with Alice Perrers, and by an anti-clerical tradition involving a patronage of Wycliffe, whose increasingly radical views, by no means popular in the country at large, were calculated both to embarrass his supporters and to rouse up some measure of united opposition in the church. Thus the elements of opposition were able to crystallise into a formidable if short-lived opposition party, inspired by the Prince of Wales, deriving a measure of support both from the barons led by the Earl of March, and from the bishops under Wykeham and the energetic William Courtney, but depending to an unprecedented extent on the initiative and support of the commons in the parliament of 1376.

The Good Parliament met on April 28; it was formally opened by the king in person on April 29; and on the same day Knyvet explained the cause of its assembly.[2] The commons were commanded to deliberate apart, and asked for, or were given, a committee of the lords to assist them in their deliberations.[3] The report in the *Rotuli Parliamentorum*[4] says that the committee was assigned in parliament, apparently after the departure of the commons; the *Chronicon Angliae* describes carefully how the commons asked for four bishops by name,[5] and on the advice of these, elected the rest; but according to the *Anonimalle Chronicle*, the commons asked for them all by name.[6] In any case it seems certain that, as in 1373, the commons themselves had appointed the committee which resulted, a point which is by no means unimportant. The committee of 1376 was, in fact, very much similar to that of 1373. The Bishops of London and Norwich and the Earl of March were clearly opposed to John of

[1] "Angli circumvenirentur incauti, quando non sperabant; ut in sequentibus clarius elucebit" (Walsingham, i. 318). "Et hoc ascribitur aliquibus, qui sciebant se potius per Curiam Romanorum quam per electiones ad dignitates episcopales quos ambiunt promoveri" (*ibid.* 317). (Cf. Stubbs, *C.H.* ii. 447.)

[2] *Rot. Parl.* ii. 321.

[3] *Rot. Parl.* ii. 322: "Item puis apres les ditz Prelatz, seigneurs, et Communes assemblez en Parlement, fust dit a les ditz Communes de par le Roy, q'ils se retraissent par soi a lour aunciene Place en la Maison du Chapitre de l'Abbe de Westm' et y tretassent et conseillassent entre eux meismes."

[4] *Ibid.* ii. 322.

[5] *Chron. Angliae*, p. 69. Dr. Workman appears to have combined both these views: "After first seeking the advice of the bishops, they asked the Lords to appoint a committee to confer with them" (*John Wyclif*, i. 267); but this is hardly justifiable.

[6] *Anonimalle Chronicle*, p. 84.

Gaunt.[1] The remainder,[2] the Bishops of Carlisle and St. David's, the Earls of Warwick, Stafford, and Suffolk, the barons Henry Percy, Guy Brian, Henry le Scrope, Richard Stafford, were either moderate men, time-servers, or friendly towards the government. But none of the strongest supporters of the duke were included; whilst it is clear that even over some who were not openly supporting him the Black Prince's influence was very strong.[3] Moreover,

[1] The two bishops had long been friendly with the Prince of Wales (*Cal. of Papal Registers, Petitions*, i. 291, 374, 490). Courtney is famous for his attack on Wycliffe. Henry Despenser, Bishop of Norwich, presented a separate petition against the " Privez entour le Roi " in the Good Parliament (*Rot. Parl.* ii. 330). The fragment of a northern chronicle printed by E. M. Thompson, with the *Chronicon Angliae*, describes Despenser and Courtney with the Bishops of Rochester and Bangor as strongly opposing John of Gaunt in the parliament of January 1377 (*Chron. Angliae*, p. lxxx). Despenser was always faithful to, and high in the confidence of, Richard II.

[2] *Rot. Parl.* ii. 322. The *Chronicon Angliae* gives the Bishop of Rochester on the committee instead of the Bishop of St. David's and Roger Beauchamp instead of Henry Scrope. The *Anonimalle Chronicle* gives the Bishop of Bath instead of the Bishop of St. David's, and for Henry le Scrope it gives Roger Beauchamp (*Anonimalle Chronicle*, p. 84).

[3] Hugh, Earl of Stafford, was later a surety for Latimer, but he had been a member of the Black Prince's retinue, and had served with him in Aquitaine. His son had been a companion of the future Richard II. from boyhood. The earl himself was a brother-in-law of the Earl of Warwick (*D.N.B.* (Hunt); *Rot. Parl.* ii. 326; cf. also *Cal. of Papal Registers, Petitions*, i. 179, 341, 154, 456).

The Earl of Warwick was openly committed to no party. His son was in the retinue of John of Gaunt, but he himself was no doubt friendly to the Black Prince (*Register of John of Gaunt*, i. 330). We find him petitioning the Pope for one of the Black Prince's knights (*Cal. of Papal Registers, Petitions*, i. 495). Later he went into opposition both to John of Gaunt and the king (*Chron. Angliae*, p. 329). Bishop Stubbs has described him as a time-serving politician (*C.H.* ii. 449).

The Earl of Suffolk (Hugh) was, strangely enough, another brother-in-law of the Earl of Warwick (*D.N.B.* (Tout); *Peerage* (Doyle)). As long ago as 1357 the Black Prince had asked for a dispensation from the Pope for Hugh's brother John. The earl was later appointed admiral of the fleet, presumably as a supporter of the Good Parliament, being superseded when the work of the Good Parliament was undone (*Cal. of Papal Registers, Petitions*, i. 291; *Foedera*, iii. 1057, 1065). Professor Tout has regarded him as a supporter of the constitutional party, but as being offered the post of admiral as a bribe by the opponents of the Good Parliament (*D.N.B.* (Tout)). He later appeared in opposition to John of Gaunt, and was praised on his death by the *Chronicon Angliae* (*Chron. Angliae*, pp. 329, 333).

Of the rest the most interesting is Henry Percy, usually represented as a supporter of the commons, bribed to desert them after their memorable session (see Stubbs, *C.H.* ii. 456; Tout, *Political History*, iii. 438). He appears, however, to have been all along friendly to John of Gaunt (*Cal. of Papal Registers, Petitions*, i. 528; *John of Gaunt's Register*, i. 172, 173; Armitage-Smith, *John of Gaunt*, p. 72). The *Chronicon Angliae* describes the appointment of Percy to be Marshal, and says, " Et hoc facto patuit eundem dominum Henricum Percy [diu] duci et ejus [nequam] consiliis adhaesisse", which may be taken as a fair example of the political sagacity of the author (*Chron. Angliae*, p. 108). Dr.

in the *Anonimalle Chronicle* of St. Mary's Abbey, York,[1] singularly well informed of all the events of this time, occurs a description of a feast which Sir Peter de la Mare and the knights of the shire gave before their departure, at the end of the Good Parliament; "sire Peirs de la Mare avauntdite et les chivalers des countes firent une tresgraunt et excellent fest en lieu et noune de nostre seignur le roy et plusours graundes seignurs del roialme, cest adire a plusours evesques et a les countz de Caumbrige, de Herford, de la Marche, de Warwyk, de Southfolk, de Salesbury et de Stafford, et as plusours barouns et chivalers du pais et as meir et plus vaillauntz citisayns et burgeis de la cite de Loundres, et as autres burghes et viles del roialme". It is very significant that four of these earls were members of the committee of 1376. With regard to Warwick, at least, there is a further story that Edward III. withdrew his support from the constitutional party because Warwick's followers desecrated the abbey of Evesham.[2]

We may assume that the knights of the shire were justified in considering the four earls as their allies, and that therefore the most influential part of the committee sent from the lords in 1376 was clearly opposed to the government of the time. Fortified by this advisory committee, the commons opened their attack on the government by refusing supplies, on the grounds that "if the king had always had around loyal councillors and good officers he would have been rich", but that the country had been impoverished "pur singuler profit et avantage d'aucuns Privez entour le Roi et d'autres de lour covyne".[3] This, according to the *Anonimalle Chronicle*,[4]

Workman describes him as "The most powerful of the twelve . . . who at the moment was prepared to bring the duke to terms by showing that he could be a formidable foe" (*John Wyclif*, i. 267).

Richard Stafford was more ambiguous in his attitude. In the *Anonimalle Chronicle* (p. 92) he is described as being dismissed from the council by the Good Parliament. But he had been in the favour of the Prince of Wales, and was steward of the prince in 1360 (*Cal. of Papal Registers, Petitions*, i. 154, 456; the *Anonimalle Chronicle*, p. 49). He was a member of the regency council in 1377, although the commons had petitioned in 1376 that no officer removed from his position on account of misgovernment be appointed, and demanded in October 1377, when Stafford was appointed, that no one who had been attainted in the last reign be allowed to serve. Latimer was removed from the council on this occasion (*Foedera*, iv. 10; *Rot. Parl.* ii. 333, iii. 16; *E.H.R.* xli. 248-9).

For Sir Guy Brian, see Workman, *John Wyclif*, pp. 288, 289. He was one of John of Gaunt's executors in 1373 (*Foedera*, iii. 976).

[1] *Anonimalle Chronicle*, p. 94. A translation of this passage had been printed earlier in the *Chron. Angliae*, Introduction, p. lxiv.

[2] *Chron. Angliae*, Appendix, pp. 393-4; Walsingham, p. 322.

[3] This is printed in the *Rot. Parl.* ii. 323. It agrees in essentials with the speech put into the mouth of Peter de la Mare in the *Chron. Angliae* (p. 73) and with the account in the *Anonimalle Chronicle* (p. 85). Cf. Walsingham, p. 320.

[4] P. 85.

was on May 12, and despite the conciliatory attitude of John of Gaunt the commons proceeded on the same day to declare[1] (1) that the foreign staple at Calais had been rendered almost useless "au procurement et conseil des ditz Privez entour le Roi, et d'autres de lour convyne par lour singuler profit", (2) that great profit had been made by usury, out of the king's necessity during the war, "par assent et convyne des ditz Privez le Roi", and (3) that profit had been made by buying up the king's debts and obtaining payment of them by influence "de l'assent et convyne des ditz Privez". As a result of proving these charges in individual cases, Latimer the chamberlain was condemned to imprisonment and fine,[2] Richard Lyons was condemned and imprisoned,[3] and Lord Neville the seneschal was removed from office, partly on similar charges, and partly, perhaps, for attempting to shield Latimer.[4] At the same time Alice Perrers was banished from the realm.[5] The extent to which the council as a whole was implicated in the proceedings may be gathered from the words which the *Anonimalle Chronicle* puts into the mouth of Peter de la Mare; "nous dioms qe nous avoms declare a vous et a tute le conseil de parlement diverses trespas et extorciouns faitz par diverses gentz et nous ne oieoms poynt de remedy, ne nulle ne ad entour le roy qe luy voet dire la veritee, ne loialment ne profitablement voet conseilere, mes toutz iours de iapery et mokery et procurere lour profite demesne; par qay nous vous dioms qe nous ne dirroms pluis tanque toutz ceux qe sount entour le roy qe sount fautours et male conselours soient remowez et voidez de nostre seignur le roy".[6]

Armitage-Smith, the most notable apologist of the Duke of Lancaster, has said that when the duke prorogued parliament at the end of the first day he "stood absolutely free to choose his course",[7] because so far nothing had been said which could be construed as an attack, but that henceforward he supported the attacked ministers because "Criticism of the administration was, in the Duke's eyes, criticism of the crown, and the king's son was the representative of the crown and the natural champion of the court party". "John of Gaunt", he said "had not chosen his father's ministers", and there was no obligation on him to accept responsibility for their doings. But there is good reason to believe, as we have seen, that John of Gaunt was chiefly responsible for the constitutional crisis of 1371, and had inspired the government

[1] *Rot. Parl.* ii. 323.

[2] *Ibid.* p. 325. In his defence Latimer claimed "ce ne fust my fait par le soen conseil soulement, einz par luy avec autres". Cf. his remark to Peter de la Mare, recorded in the *Anonimalle Chronicle*, p. 86: "Quaunt lestaple fuist remowe de Kalays il fuist fait par le roy et soun conseil."

[3] *Rot. Parl.* ii. p. 324.

[4] *Ibid.* pp. 328, 329.

[5] *Ibid.* p. 329.

[6] *Anonimalle Chronicle*, p. 90.

[7] Armitage-Smith, *John of Gaunt*, p. 126.

since.[1] There is clear evidence of his influence in administrative appointments subsequent to as well as during 1371. The controller of the wardrobe from 1368 to 1376, John of Ypres, was a member of his retinue.[2] John Neville, steward of the household from 1372 at least until 1376, was similarly prominent in his followers.[3] There is good reason to believe that even Latimer was closely associated with the Duke of Lancaster.[4] The treasurer in 1376, Robert Ashton, was a Lancastrian magnate, undoubtedly friendly towards the duke.[5] And a number of justices were clearly his open supporters.[6]

An attack by the commons on the government, on the grounds that "if the king had always had around loyal councillors and good officers he would have been rich", can only, under these circumstances, be regarded as an attack also on John of Gaunt. From the beginning the *Chronicon Angliae* is definite and insistent that John of Gaunt was ultimately the object of the attack; and this was the general opinion of the chroniclers of the time.[7] Even if the duke was not at the head of an organised and predominant political party—as there is good reason to assume he was—his close and evident connection with the leading members of the government, who were clearly implicated in the charges made by the commons against the government at large, rendered extremely unlikely a complete neutrality on his part, after even the first day's proceedings in the Good Parliament.

[1] In 1373 Knyvet had claimed that great destruction had been inflicted on the enemy by the duke and his associates, "parmy lour bon et noble Governement et Fait d'armes" (*Rot. Parl.* ii. 316).

[2] *E.H.R.* xxiv. 501; S. Armitage-Smith, *John of Gaunt*, Appendix III. Cf. *C.P.R.*, 1370–74, p. 31.

[3] Acting steward, February 1372 (*C.C.R.*, 1369–74, p. 424).

[4] In 1373 he was added to the list of Gaunt's executors (*Foedera*, iii. 976). In 1375 he was one of his chief attorneys (*ibid.* iii. 1026). He received presents from John of Gaunt in 1373 and 1375, and received a loan of money some time before 1374 (*John of Gaunt's Register*, ii. 302, 310).

[5] *D.N.B.* (W. E. Axon). He had a most varied career. W. E. Axon makes him succeed Sir Richard Scrope as treasurer in 1373; but this seems to have occurred in 1375 (*C.P.R.*, 1374–77, p. 169; cf. *ibid.* p. 134; *C.P.R.*, 1370–74, p. 411). In support of the court party he urged the Londoners to submit to the government in 1377 (*Chron. Angliae*, pp. 131, 132). His son (?), according to the *D.N.B.*, fought under the banner of Lord Neville at the battle of Neville's Cross, and was a member of Gaunt's retinue on the Spanish expedition of 1385.

[6] Examples of justices in the service of John of Gaunt between 1371 and 1376 are William Fynchedon and Roger Meres, created in 1371 (see p. 125, *n.* 2, *supra*); John Mowbray, another justice, acting in 1371, had been one of Gaunt's council (*Register* ii. 356). Roger Kirketon, another of Gaunt's councillors, was made justice of the Common Pleas in 1372 (*Register*, ii. 200, 309; Foss, *Tabulae Curiales*).

[7] *Chron. Angliae*, p. 74; *ibid.* Appendix, p. 391. "Postea plura delata erant de duce Lancastriae et de aliis diversis officiariis regis" (Walsingham, p. 320; Murimuth (edited Hog), p. 218).

In any case it was made quite impossible by the subsequent proceedings of the commons, who now took the old revolutionary step of appointing what was apparently a reconstructed council [1] to control the monarchy. The members were the Archbishop of Canterbury, the Bishops of Winchester and London, the Earls of Arundel, Stafford and March, the lords Percy, Brian, and Beauchamp of Bletzo, a mixed body evidently the result of a compromise. Their election took place, according to the *Chronicon Angliae*, towards the end of the parliament; Bishop Stubbs has decided that they were elected some time after June 25, and accepted by the king at the end of the session.[2] But the *Anonimalle Chronicle* suggests a date which can be fixed with some precision, between May 26 and the first of June.[3] On the other hand, Stubbs makes John of Gaunt dismiss "the additional members of the council" immediately after they had been accepted by the king, and shortly after their election; [4] whilst the *Chronicon Angliae* asserts that the final dismissal took place only after the restoration of Latimer to power [5] (in October); and confirmation of this is forthcoming in a direct statement by Walsingham and others, that the council lasted approximately three months.[6]

An incidental reference in the recently published *Anonimalle Chronicle* is particularly interesting on the point. "Mesme celle an", the chronicler of St. Mary's Abbey says, "entour le fest de seint Michell avauntdit, le roy pardona a le seignur de Latymer toutz maners dacciones et de forfetours, et luy graunta une chartre generale de pardoune *et fuist resorte a le graunt conseil*".[7] The pardon to Latimer was granted on October 8,[8] but the summonses

[1] *Rot. Parl.* ii. 322. This continual council was apparently to number ten or twelve; "le Conseil nostre Seigneur le Roy soit enforcez des Seigneurs de la terre, prelatz et autres, a demurrer continuelment tanqe al nombre de dys ou XII, selonc la volunte du Roi". Nine new members at least seem to have been elected (*Chron. Angliae*, pp. 100, lxviii.). The *Chron. Angliae* thinks that these were elected by the commons at the suggestion of the Duke of Lancaster. The *Anonimalle Chronicle* agrees that they were elected by the commons. According to this source they "furount iurrez pur loialment conseiler et governer luy [the king] et le roialme a lour poiar" (p. 93).

[2] Stubbs, *C.H.* ii. 452.

[3] *Anonimalle Chronicle*, pp. 91-4; *Chron. Angliae*, p. lxviii. It is placed earlier in the *Rotuli Parliamentorum*. But these were not always in chronological order. An example of that perhaps is the fact that whilst the impeachment of Lyons was recorded long before that of Bury, Bury's goods were ordered to be seized on May 28, those of Lyons on June 16 (*C.C.R.*, 1374–77, pp. 376, 391, 442).

[4] Stubbs, *C.H.* ii. 455.

[5] *Chronicon Angliae*, p. 103.

[6] Walsingham, p. 320: "sed ista ordinatio [the appointment of the council] impedientibus illis qui amoti fuerunt a Rege, ut praedicitur vix tribus mensibus perduravit". Cf. *Chron. Angliae*, p. 392; Murimuth (edited Hog), p. 219.

[7] *Anonimalle Chronicle*, p. 95. The italics are mine.

[8] *C.P.R.*, 1374–77, p. 353.

for the great council were issued as early as August 29.[1] The actual power of the council set up by the Good Parliament was perhaps challenged as early as this; but it was clearly not definitely superseded until October, as the *Chronicon Angliae* records.

Its earliest activities in the records appear only, perhaps, in the grant to Thomas of Woodstock of the office of Constable of England, on June 10th, "by the king on the information of William Bishop of Winchester".[2] On June 12, Edmund, Earl of Cambridge was similarly appointed Constable of Dover.[3] The same mention of service appeared on a letter dated June 19,[4] and later, on July 6, appointing Hugh Segrave to be steward of the lands of the late Prince of Wales.[5] Wykeham had no official position at this time, save that on the council, and it is difficult to account for his name appearing on grants like those to the king's sons, except in his capacity as a leading member of the new council.

There is no evidence in the records as to when the council lost control of the government. On July 22 a grant was made by the king "on the information of John Duke of Lancaster".[6] On July 31, however, an order was sent to the Tower to set free Robert Greenacre, knight, "by the Council with the assent of John king of Castile".[7] On September 16 the Duke of Lancaster received a grant of the marriage of the son and heir of the late Earl of Pembroke.[8] By the beginning of October there is ample evidence that John of Gaunt was unquestionably supreme.[9]

The greatest constructive work of the Good Parliament was undoubtedly the creation of the reforming council which held office

[1] *Anonimalle Chronicle*, pp. 95, 183. Mr. Galbraith has discovered the issue of privy seal letters issued on August 29, calling the Archbishop of Canterbury, various bishops, earls, and barons, to a council at Westminster on September 22. He suggests this was probably deferred until after the burial of the Black Prince.

[2] *C.P.R.*, 1374–77, p. 279.

[3] *Ibid.* p. 278.

[4] *Ibid.* p. 323.

[5] *Ibid.* p. 293. Wykeham, however, was one of the chief executors of the Prince. Segrave was also an executor. Stubbs apparently overlooked this when he said that none of the prince's executors were members of the council of Government, July 1377 (Stubbs, *C.H.* ii. 463). For the meaning of the phrase "on the information of W. of Wykeham", cf. O. Morel, *Grande Chancellerie royale*, pp. 303, 306.

[6] *C.P.R.*, 1374–77, p. 306.

[7] *C.C.R.*, 1374–77, p. 387.

[8] *C.P.R.*, 1374–77, p. 340.

[9] *Ibid.* p. 347. On October 7 he seems to have nominated most of the executors of Edward III (*Foedera*, iii. 1080). On October 8 Latimer was pardoned (*C.P.R.*, 1374–77, p. 353). The attack on Wykeham began on October 13 (*Anonimalle Chronicle*, p. 96). It was terminated on or before November 17; "on 17th November in the 50th year of his reign, for particular causes laid before the lords of England and others of the great council specially appointed and sitting judicially, the late king [Edward III.] by writ of the exchequer ordered the Sheriff to take the said temporalities [of Winchester] into his hand" (*C.C.R.*, 1377–81, p. 36). I am indebted for this reference to Dr. N. B. Lewis.

during the critical months of June, July, and August 1376.[1] Nor are we, perhaps, quite justified in concluding that "the appointment of 'continual councillors' was robbed of most of its practical value by the important qualification that the chancellor, treasurer, keeper of the privy seal and other ministers should be allowed 'faire et esploiter les busoignes touchent lour offices sanz la presence des ditz conseille[r]s'."[2] The councillors were to be "continuelment residentz du conseil le Roi",[3] and it was decreed that "nulle groos Busoigne ye passe ou soit delivers sanz lassent et advis de touz, et autres meyndres Bosoignes par l'advis et assent de sys ou quatre ou meyns, selonc ce qe le cas requert". All officers of the crown were commanded "q'ils facent . . . due hastyve et bone execution" of the commands of the council, which was to punish those who disobeyed.[4] The council was not to attempt a control of all the routine work of the offices of state, but it was clearly intended to supervise the acts of the government as a whole.

The chief acts of the government during this period may thus quite fairly be assumed to have been done by the majority of this council, or with their assent. The most prominent of these were the breaking up of the administration of William of Windsor in Ireland,[5] the appointment of the Earls of Suffolk and Salisbury to be admirals of the fleet,[6] and the grants mentioned above, to the two younger sons of the king.[7] Of these the first was an act of justice, as well as an attack on the husband of Alice Perrers, the second was a promotion within the constitutional party, the third, it may be conjectured, was a bid for the support of the only princes who could come forward, after the recent death of the Black Prince, as leaders of the constitutional party, and opponents who could meet John of Gaunt on fairly equal terms. At least we find them both enter-

[1] Cf. Dr. Workman in *John Wyclif*, i. 271: "If this council, upon which the Duke had no seat, could have maintained the position assigned to it, the political history of England would have been very different. But the times were not yet." The council was dissolved, Dr. Workman believes, as soon as parliament was dispersed (*ibid.* p. 273).

[2] Mr. V. H. Galbraith, in his edition of the *Anonimalle Chronicle*, p. 182. Mr. Galbraith was possibly influenced by Professor Baldwin, who writes, "This was a point of great weakness in the scheme, for without the co-operation of the ministers the council could hardly be an effective body" (*King's Council*, p. 119).

[3] *Rot. Parl.* ii. 322-3.

[4] *Ibid.*

[5] Robert Wickford (see above, p. 173) was made chancellor on July 18 (*Foedera*, iii. 1057); James Butler, Earl of Ormond, was made justiciar on July 24 (*ibid.* 1058); and a number of lesser changes were made from August 6 to August 12 (*ibid.* 1060–61).

[6] *Foedera*, iii. 1057 (July 16). They were deprived of the position on November 24 (*ibid.* iii. 1065).

[7] They were accompanied by grants from the forfeited possessions of Richard Lyons (*C.P.R.*, 1374–77, pp. 297, 298).

tained, for a moment, among the friends of the commons, at the end of the Good Parliament. But neither had identified himself with the political leaders of that party before, and they were soon openly on the opposite side.[1]

Such an administrative council was clearly the most formidable menace to the court party that the crisis of 1376 produced; but it failed to continue effectively the work which the Good Parliament had begun. Its failure was closely connected with that of the constitutional party as a whole. Its composition betrays the strength of the opposition party, inspired by John of Gaunt, which was never decisively overcome. Its failure was rendered inevitable from the beginning by the untimely death of the Black Prince. The extent of his influence during the later years of his life has never been ascertained; but it seems probable that it was the decisive factor governing the conduct of the group of influential nobles who lent their support for a time to the party of reform, but speedily threw in their lot with John of Gaunt when the death of the Prince of Wales withdrew from politics the only serious rival to the all-powerful house of Lancaster. Finally, though the initiative of the commons in the parliament of 1376 marked the beginning of a new period in the history of parliament, the longest of sessions had to come to an end;[2] and the power of the knights of the shire was quickly dissipated with their dispersal to their homes. What remained of the constitutional party was no match for the strongest political organisation England had known for many years. The restoration of the court party to supreme power was merely a matter of time: it says much for the statesmanship and ability of Wykeham and the Earl of March, and of the impression left by the acts of the commons in 1376, that it was probably delayed for some time to come.

The supremacy of the court party was not again seriously challenged during the reign of Edward III. A bitter persecution of John of Gaunt's chief political enemies was followed by the first recorded packing of the commons by a predominant political party.[3] It is a testimony to the driving force the commons had exerted in 1376 as well as to the influence of the Black Prince, that, although the lords once again in this manipulated parliament sent down a committee to advise the commons as in the previous year, there were no signs whatever of a recurrence of the crisis of 1376.

The convocation of February 1377, however, both showed clearly that strong opposition to John of Gaunt continued to exist, and served to emphasise an aspect of it that had continued to increase

[1] *C.P.R.*, 1374–77, pp. 347, 355.
[2] It ended on July 10 (V. H. Galbraith in *The Anonimalle Chronicle*, p. 181).
[3] Stubbs, *C.H.* ii. 456.

in importance ever since the crisis of 1371. The important part which, it has been suggested above, was played by John of Gaunt in the earlier crisis, combined with his association with Wycliffe to form part of a consistent anti-clerical policy which he maintained throughout the later part of Edward III.'s reign. But it is also certain, and not irreconcilable with this, that he had in the period 1371–76 created an influential party among the leaders of the church. Simon of Sudbury had become Archbishop of Canterbury.[1] Alexander, a younger brother of John, Lord Neville of Raby, had been made Archbishop of York.[2] Thomas, son of Earl Arundel, was made Bishop of Ely.[3] In 1375 Ralph Erghum, John's former chancellor, was made Bishop of Salisbury;[4] whilst Henry Wakefield, keeper of the wardrobe and at one time a protégé of the Earl of Hereford, was made Bishop of Worcester.[5] Despite this, the clergy in convocation refused to vote supplies until the king had promised Wykeham redress for his grievances, whilst Courtney led an attack upon Wycliffe which was only defeated by the personal intervention of Gaunt.[6]

Under these circumstances, and considering the political victory he had just won, it is difficult to believe that John of Gaunt himself caused this latter development, by calling "to his assistance . . . the great John Wycliffe",[7] to attack the clerical opposition to him which still survived, and which he could break up by no other means. The alternative view is preferable, that it represented merely the natural "reply of the English hierarchy to the Lancastrian attack on Wykeham".[8] It is even probable that Wycliffe's activities at this time were increasingly embarrassing to John of

[1] Le Neve, i. 20.
[2] *Ibid.* iii. 107; *D.N.B.* (J. Gairdner).
[3] Le Neve, ii. 336.
[4] *Ibid.* ii. 600; *Register*, ii. 343.
[5] Le Neve, iii. 59. Compare with these names those of William Courtney, Henry Despenser, and John Harewell, appointed just previous to 1371. The last, previously chancellor of the Black Prince in Aquitaine, had been appointed "contemplatione Edwardi Principis Walliae" (*Chronicon St. Albani*, p. 58). The first two, besides being connected with the Black Prince, were prominent in the opposition to John of Gaunt in 1377.
[6] *Chronicon Angliae*, p. 114. The *Anonimalle Chronicle* gives the leaders of a parallel opposition in the parliament of January 1377 as the Bishops of London, Norwich, Rochester, and Bangor (*Anonimalle Chronicle*, p. 100). The clergy had already presented the only petition made on behalf of Wykeham in this parliament (*Rot. Parl.* ii. 373).
[7] Stubbs, *C.H.* ii. 457, 457 *n.* 1. Cf. Trevelyan, *Age of Wycliffe*, pp. 41, 42: "Gaunt and Percy invited Wycliffe to London to preach the cause of disendowment in the churches of the city". This is the view of Dr. Workman, the latest biographer of Wycliffe: "The attack of Lancaster upon the Good Parliament was followed by an alliance with John Wyclif" (*John Wyclif*, i. 275).
[8] *D.N.B.* (Rashdall). Dr. Shirley describes the trial as a political measure adopted by convocation as a means of assailing the duke (*Fasc. Zizan.*, Introduction, p. xxvi). Similarly, Armitage-Smith, in *John of Gaunt*.

Gaunt, though the *Chronicon Angliae* says that before this Wycliffe had been preaching with the open approval of the duke, and the Archbishop of Canterbury, who had strongly supported the policy of Gaunt, was unwilling to proceed against him. Stubbs describes Wycliffe as being called before the council earlier, on September 22, 1376; but was not this possibly a time when the enemies of Gaunt still retained power? In any case the latter had now considerable support from those prelates who were the peculiar object of Wycliffe's attack, whilst he had signally expressed a modification in his attitude towards clerics by acquiescing, in a return to clerical ministers, in Henry Wakefield, Bishop of Worcester, as treasurer,[1] and the Bishop of St. David's as chancellor.[2] He would willingly perhaps have forgotten his anti-clericalism of 1371, but his enemies deliberately chose it as a point of attack. The attack on Wycliffe in 1377 was the inevitable though unwelcome sequel to the attack on Wykeham in 1371.

There can be little doubt, considering the circumstances of his election, that Adam Houghton, the new chancellor, was a partisan of John of Gaunt. A statesman who took the trouble to pack the House of Commons in those days was not likely to allow the appointment of a hostile chancellor. Indeed Houghton's appointment can be explained in no other way. It has been stated, on slender evidence, that he was born at Caerforiog near St. David's.[3] He was probably educated at Oxford and obtained the degree of Doctor of Laws.[4] He was precentor of St. David's from 1339 to about 1350.[5] In September 1361 he was provided by the Pope to the bishopric of St. David's,[6] and he seems to have worked diligently in his distant diocese. He was, however, receiver of petitions in parliament from 1363 to 1367.[7] There is a certain amount of evidence, though not conclusive, of a close connection between him

[1] *C.P.R.*, 1374–77, p. 400.

[2] *Ibid.* p. 404; *C.C.R.*, 1374–77, p. 466. It is strange, in view of this, to find Dr. Workman maintaining that "He [J. of Gaunt] had determined he would oust the bishops from their places as the chief officers of the Crown, and fill them with creatures of his own" (*John Wyclif*, i. 277).

[3] *D.N.B.* (C. L. Kingsford). The statement seems to be based on the qualified assertion given in the *History and Antiquities of St. David's* (W. B. Jones and E. A. Freeman). It has, however, been accepted as sufficient by Dr. Workman in *John Wyclif*, i. 247.

[4] It is said that he was the "Adam Houton" who wounded a certain John le Blake at Oxford in 1337 (A. Wood, *Antiquities of Oxford*, i. 434). This, again, is accepted by Dr. Workman, *John Wyclif*, i. 247. For his degree, see *Cal. of Papal Registers, Petitions*, i. 106; *Cal. of Papal Registers, Letters*, iii. 238.

[5] Le Neve, i. 315.

[6] Le Neve, i. 294; *C.P.R.*, 1361–64, p. 122.

[7] *Rot. Parl.* ii. 275, 289, 294, etc., with the exception of the parliament of 1373 (*ibid.* p. 317).

and John of Gaunt.[1] But he had neither ability[2] nor administrative experience to recommend him, and it is inconceivable that he was elected to the chancery on any other than political grounds. We are driven to the hypothesis that his obscurity itself was one of his recommendations, and that he at least had the merit of avoiding a too obvious attachment to the house of Lancaster. He survived the short remainder of Edward's III.'s reign, but, perhaps wisely, did not cling to office long in the troubled minority of Richard II.

The period 1371 to 1376 saw the downfall of the new monarchy of Edward III. His own weak health and his failures abroad caused the position of affairs to slip back to what it had been when he first ascended the throne. His favourite minister was dismissed from office in 1371. Neither the political nor anti-clerical opposition to Wykeham and his colleagues was primarily that of the king. The dismissed ministers were replaced by the nominees of John of Gaunt. In the last crisis of his reign, five years after this, Edward III. was a helpless spectator of a determined attack on the government and a bitter political struggle between two of his own sons.

The failure of Edward III. meant the triumph of the baronage: later it was to lead to a change of dynasty, and finally to civil war. Meanwhile it revolutionised the relations between the barons and the king, which Edward had maintained in the years of his ascendancy in the middle of his reign. In those years Edward had done much to conciliate, but nothing to destroy, the power of the baronage, which was as formidable at the end as at the beginning of his reign;[3] but his policy had also done much to give the barons that influence in the government which had been consistently their ideal since the time of King John. Edward II. had distrusted and opposed his barons and sheltered his prerogative behind the "triple

[1] John of Gaunt wrote to him on two occasions with exceptional friendliness, as "Our Reverend Father in God, and our great friend" (*Register*, ii. 194, 352-3). In 1365 John of Gaunt, his wife Blanche, and the Bishop of St. David's founded together the collegiate church of St. David's in Pembrokeshire (Dugdale, *Monasticon Anglicanum*, viii. 1387-90). Adam Houghton had been in the service of, and closely connected with, the priory of Arundel, a favourite foundation of the Earl of Arundel, who obtained permission to found a chantry there, towards the end of Edward III.'s reign (*C.C.R.*, 1349-54, pp. 623-4; Tanner, *Notitia Monastica*, Sussex, i.).

[2] His opening address to the parliament of January 1377 is noted for his use of biblical texts and his tactlessness (*Rot. Parl.* ii. 361-2).

[3] An indication of the way this was developing can be seen in references by Professor Tout, in the *J.R.L.B.* viii. No. 1 ("Conflicting Tendencies"). More detailed illustrations are to be found in Professor J. F. Baldwin's "The Chancery of the Duchy of Lancaster", in the *Bulletin of the Institute of Historical Research*, vol. iv. No. 2, pp. 129-43; in Mrs. M. Sharp's "The Administrative Chancery of the Black Prince before 1362", in *Essays Presented to T. F. Tout*, pp. 321-35; and in S. Armitage-Smith's *John of Gaunt*.

rampart" of his household; Edward III. threw in his lot with his baronage and based his power on the council which he chose mainly from their ranks. The middle years of Edward III. witnessed indeed for the baronage the triumph of their most cherished constitutional ideal. They obtained from the conciliatory policy of Edward III. what they could never extort, in spite of all his weakness, from the hostility of Edward II. They obtained that place on the royal council which they never really lost until the days of Henry VII.[1]

The truth of this is not impaired, though it has been obscured, by the undoubted supremacy of John of Gaunt in the last years of the reign. For John of Gaunt was now head of the great Lancastrian house, and the constitutionalism of the Lancastrian opposition to the monarchy had never been—and possibly never was to be—more than a veneer on their real policy of baronial control. It was in the person of John of Gaunt that the position of the barons on the council in Edward's middle years became, after 1371, what it had aspired to be under Thomas of Lancaster, a means of control. The former acquired peacefully that position in the council for which the latter, in the end, had sacrificed his life. Edward III. boldly solved the problem of the defence of the royal prerogative by resting it on the support of the barons themselves. But this was, ultimately, to place it at the mercy of the barons; and his successor, after a vain attempt to re-establish the royal supremacy, paid for the failure of Edward's policy with his life.

The effect of this development on the position of the chancellor was inevitably profound, but scarcely with the result that might be expected at first sight. The main political changes in the office under Edward III. are clear. At one time the home of Stratfordian opposition to the crown, it became after 1341 an instrument of the king and the baronage combined. In 1371 it was filled by a nominee of John of Gaunt, and for the remainder of Edward III.'s reign the chancellors owed allegiance to the dominant political clique. Throughout these vicissitudes the chancellors' political importance was steadily maintained. If they were not attacked in 1376,

[1] Professor Baldwin in his invaluable study of the mediaeval council does not perhaps give due justice to the development of the council under Edward III. After some discussion of the crisis of 1341, he dismisses the middle years of Edward's reign with the remark, "During the following thirty-five years, so far as we know, no further attempt was made to reorganise the council on these lines" (*King's Council*, pp. 99, 100). Deprived of his guidance for these years I have had to venture conclusions of my own, though the development of the council at any time before the reign of Richard II. is exceedingly obscure. But Professor Baldwin clearly places the elimination of the "official" element from habitual attendance at the king's council largely during the reign of Edward III. (*ibid.* p. 83).

this must not be taken as a sign of their unimportance in the eyes of the commons. According to the best informed of the chroniclers, Peter de la Mare at one time told the lords that, " nous vous dioms qe nous ne dirroms pluis tanqe toutz ceux qe sount entour le roy qe sount fautours et male conselours soient remowez et voidez de nostre seignur le roy et qe le chaunceller et tresorer qe ore sount, soient aleges de lour offices, qare ils ne sount pas profit a blez ".[1]

It was Edward himself, by his policy in the middle years of his reign, who ensured a continuance of their political power. Instead of using the triumph of 1341 to push his chancellor and treasurer still further into the political background in favour of the *secretarii* who had supported him abroad, he used it to establish more trustworthy ministers in the administration of state and on the council, and henceforth used his new officials and councillors as the chief instrument of his government as a whole. In doing so he no doubt consulted the wishes of his barons who, as the events of 1341 clearly showed, ran in unhealthy harness with such curialists as William Kilsby—the latter was, indeed very quickly dropped; but as a matter of fact there was nothing, under the circumstances, to prevent Edward's ministers of state from giving him as faithful service in the future as ever he had received from his more personal servants in the past. It was not, indeed, a question of re-establishing the personal connection between him and his chancellor and treasurer which had been long since lost, but of giving them the position in his councils which their administrative importance and responsibility deserved. And there is every indication that after 1341 this is actually what occurred. In 1342 the chancellor and treasurer were amongst the foremost supporters and most intimate councillors [2] of the king, in repudiating his concessions to the parliament of 1341. In 1345 Edward again reverted to capable and dignified ecclesiastics as his chancellors, some of whom had been promoted for their service in his household. Until 1371 the chancellors continued to hold an unmistakable position amongst the leading advisers of the crown.

Nor did the dismissal of Wykeham in 1371 have an adverse

[1] *Anonimalle Chronicle*, p. 90.

[2] The first proposals of the parliament of 1341 had been very much disliked by the king, " et quibus rex, juxta privatum consilium suum, diutius contradixit " (Murimuth, p. 119). Professor Baldwin seems to have misread this (*King's Council*, p. 99) in his description of these events; " demands were made that the chancellor and other great officers . . . should be appointed in parliament, and that upon the occurrence of any ministerial vacancy the peers in parliament should be consulted, ' whom the king with his privy council should no longer thwart ' ". From their subsequent action it seems clear that the lay chancellor and treasurer can be ranked among the *privatum consilium* supporting the king.

effect on the office of chancellor itself. It meant that the chancellor became for a time the nominee of a political clique, but it was a clique that was maintaining its position through a supremacy on the council. The position of the chancellor himself on the council remained secure: indeed there was little to fear now in this respect from the more personal ministers of the crown. In the weakness of the monarchy the political importance of the chancellor and treasurer and their pre-eminence on the council were assured. Their greatest power in general politics, perhaps, came with the predominance of the council under the weak Lancastrians; it was only with the re-creation of the monarchy by the Tudors that they once more began to be relegated to a secondary place. The policy of Edward III. had secured for the chancellor, at least, a new political importance, at a time when the more personal advisers of the monarchy might have finally taken his place as the most important ministerial politicians in the state.

CHAPTER VI

THE PERSONNEL OF CHANCERY— THE GREATER CLERKS

Section I

A STUDY of the personnel of chancery under Edward III. must include some account of the greater clerks at least. It is possible that at one time the names of all chancery clerks were entered on a special roll, but no trace of this now survives for the reign of Edward III. The greater clerks are only to be identified therefore, except in the very rare cases where their rank is described in the records, by their participation in duties which we know were usually performed only by the highest officials of the chancery. In four cases only, however, was the name of the chancery clerk who performed these duties recorded. The clerk who commanded a chancery writ was sometimes recorded on the dorse of the writ; the names of those receiving attorneys in chancery were inscribed on the departmental rolls; those receiving petitions in, or keeping the records of, parliament were inscribed on the rolls of parliament; those keeping the great seal under commission were recorded on the chancery rolls.

From these four sources a fairly complete list of the greater clerks of chancery under Edward III. can be drawn up; though commanders of writs were recorded only infrequently, and the evidence provided by the record of clerks receiving attorneys is not entirely trustworthy, since it is not yet certain that, under Edward III., only greater clerks were allowed to receive attorneys in chancery. If such clerks are to be reckoned invariably as greater clerks, then the number of greater clerks to be identified in this manner would, in some years, be greater than the official number of twelve. Though it is obvious that a complete list of greater clerks would in fact record more than twelve, in those years in which new greater clerks were created, yet I have considered it safer not to accept the act of receiving attorneys alone as sufficient evidence of the highest rank of chancery clerk. In this case the number of clerks of the first grade to be identified in most years, under Edward III., is slightly—in some of the early years considerably—less than twelve.

Besides this, a list of the greater clerks compiled from these sources has two obvious defects. It is necessarily based on the assumption that a clerk was not in the first grade before he was recorded acting in that capacity, and on the corresponding assumption that he continued in the first grade, once he had appeared there —except in the crisis of 1340–41—until he disappeared from the

records or died. As regards the number of clerks acting at any one time, these defects tend to cancel out; but with regard to the much more important problem of the date and nature of changes that occurred amongst the greater clerks at different times under Edward III., they detract greatly from the information that can safely be extracted from the list.

The list of chancery clerks therefore loses some of its significance in relation to the effect of political changes on the office of chancery under Edward III. In spite of all this, however, the list is substantially complete. It gives us, for example, the names of eleven clerks of the first grade in 1340 and ten in 1341,[1] of ten in 1370[2] and twelve in 1376.[3] It tells us that, of the ten clerks to be identified with some certainty in 1348, seven were still serving two years later, after the Black Death, and an eighth, John of St. Pol, was chancellor in Ireland. It gives us five new names appearing among the greater clerks in 1376.[4] It provides us with the names of at least fifty-three clerks who can reasonably be regarded as serving in the first grade in the chancery of Edward III. It is indeed an indispensable preliminary to the study of the chancery personnel.

The brief biographies of the greater clerks which follow are based on the list of the clerks compiled from the sources described above. The clerks have been taken chronologically,[5] in the order in which they were promoted to the first grade. Only the main facts concerning each clerk can be put together here, but it is certain that it will be possible subsequently to add many others—perhaps more interesting—to the ones that have so far been obtained. It seems probable in any case that these biographies and others like them, formidable as they undoubtedly are, will one day be the indispensable background for the thorough study of mediaeval administrative machinery and procedure that is yet to come.

The biographies of individual chancery clerks prove conclusively enough that some of them were attached closely to the

[1] In 1340, Thomas Brayton, Michael Wath, Thomas Bamborough, John Thoresby, Thomas Evesham, John Langetoft, Henry Stratford, Edmund Grimsby, Thomas Pardishowe, John of St. Pol, John Wodehouse. In 1341, Thomas Evesham, John Wodehouse, Edmund Grimsby, John Marton, Elias Grimsby, Robert Kelleseye, John Thoresby, John of St. Pol, Thomas Brayton, Thomas Pardishowe.

[2] In 1370, Richard Ravenser, Walter Power, John Branketre, William Mirfeld, David Wollore, William Burstall, Thomas Cotingham, Thomas Newenham, Nicholas Spaigne, Robert Wickford.

[3] In 1376, William Burstall, Thomas Newenham, John Freton, Richard Tissington, Michael Ravendale, Peter Barton, John Bouland, Thomas Thelwell, Richard Ravenser, Henry Codington, Robert Wickford, Simon Multon.

[4] The five were John Freton, Richard Tissington, Peter Barton, John Bouland, and Thomas Thelwell.

[5] They are given alphabetically in Appendix III. *infra*.

leading political magnates of the day; whilst the fact that they were drawn almost exclusively from the northern counties cannot be satisfactorily explained by any theory save that of political influence in the chancery. But the extent which is attributed to that influence must depend largely on the significance which is attached to the legal services which leading chancery clerks performed for the magnates and politicians of the reign. It is rare to find individual clerks, for instance, acting as attorney quite indiscriminately to the various political leaders; on the other hand it is not clear how far this professional service to a politician necessarily entailed a political association as well. In describing the various chancery clerks, therefore, I have usually been content to place on record their activities as attorney. But it is probable that a fuller knowledge of the complicated political relationships of Edward III.'s reign will emphasise the value of these legal activities of administrative officials, in defining the extent of political influence and patronage on the offices of administration.

Henry Edwinstow [1] was one of the oldest clerks of chancery when the reign of Edward III. began, being first mentioned in the records as early as 1313.[2] In 1319 he was definitely described as a clerk of chancery.[3] He was probably among the greater clerks from the beginning of the reign: his name appears on the dorse of writs of *A.Q.D.* as early as 1329.[4] He was clerk of parliament in 1330:[5] in 1332 he was in charge of the great seal with two other leading chancery clerks.[6] In March 1334 he received a small grant of common pasture, "in consideration of the great place which he holds and has long held in Chancery in the business of the king, and his industry therein";[7] and in the same month "in consideration of his great services as clerk of Chancery and of the Parliament" he was exempted from being sent without chancery and parliament to undertake any office against his will.[8] After this his name

[1] I have not included in this series Henry Cliff and William Herlaston, two of the leading chancery clerks under Edward II., or Henry Stratford, a relative of John Stratford, dismissed in 1340.

[2] *C.C.R.*, 1313–18, p. 77. Protections were issued for him in 1317, 1322, 1323, as parson of Flintham (*C.P.R.*, 1317–21, p. 1; *C.P.R.*, 1321–24, pp. 46, 346). The name is usually given as Edenstowe, but is to be identified with Edwinstow in Nottinghamshire.

[3] *C.C.R.*, 1318–23, p. 210.

[4] Chancery Inquisitions of *A.Q.D.*, file 204.

[5] *Rot. Parl.* ii. 255. [6] *C.P.R.*, 1330–34, p. 269. [7] *Ibid.* p. 525.

[8] *Ibid.* p. 527. He was described as "clerk of the Chancery and of the Parliament".

continues to appear on chancery records until 1339,[1] and he occasionally performed chancery work until 1348.[2] In May 1348, however, his last task was recorded;[3] and by February 1350 he had died.[4]

Edwinstow was the son of John Bythewater of Edwinstow in Nottinghamshire.[5] During his career in chancery he had been attorney to William Herlaston (1320),[6] John Ellerker the younger (1324),[7] William Northwell (1320, 1325, 1329),[8] Oliver Deyncourt (1325),[9] John Hothum, Bishop of Ely (1326),[10] Geoffrey le Scrope (1329),[11] and John Roos (1332).[12] Among his ecclesiastical promotions were the prebend of Carlton-Kyme cum Dalby in the church of St. Mary, Lincoln, in the patronage of the Bishop of Lincoln, and the church of Worsop (Co. Nottingham), in the patronage of John Ros: Edwinstow was ratified in possession of both these in October 1331.[13] He was in favour therefore with the government both before and after the revolution of 1330.

Thomas Bamborough was similarly a clerk of chancery some time before the reign of Edward III. He received his first living from the crown as early as 1317,[14] and he was described as engaged in the king's business in 1322 and 1323.[15] He was not described in the records as a clerk of chancery until 1327;[16] but there can be little doubt that he had been engaged in the chancery before this. His name appears on chancery writs during the first year of Edward III.'s reign.[17] As early as 1332 he was in charge of the great seal along with Henry Edwinstow:[18] in the same year he was a receiver of petitions in parliament:[19] in 1336 his name appeared on the dorse

[1] Chancery Inquisitions of *A.Q.D.*, files 237, 240; Miscellaneous Inquisitions, file 136/9.

[2] *C.P.R.*, 1340–43, p. 328; *C.P.R.*, 1343–45, pp. 578, 590; *C.C.R.*, 1346–49, p. 264. [3] *Ibid.* p. 517. [4] *C.P.R.*, 1348–50, p. 474.

[5] *C.P.R.*, 1327–30, p. 187-8; Lewis' *Topographical Dictionary*; *C.P.R.*, 1340–43, p. 357; *C.P.R.*, 1330–34, p. 525. [6] *C.P.R.*, 1317–21, p. 449.

[7] *C.P.R.*, 1321–24, p. 404. Ellerker was going overseas with the Earl of Kent.

[8] *C.P.R.*, 1317–21, p. 422; *C.P.R.*, 1324–27, p. 96; *C.P.R.*, 1327–30, p. 388. In 1325 Northwell was going overseas with Queen Isabella; in 1329 with the Bishop of Lincoln. [9] *C.P.R.*, 1324–27, p. 106.

[10] *C.C.R.*, 1323–27, p. 567. This was not as general attorney.

[11] *C.P.R.*, 1327–30, p. 390. [12] *C.P.R.*, 1330–34, p. 275.

[13] *Ibid.* p. 194. To a third in the patronage of the Archbishop of York, and a fourth in the patronage of the Bishop of Llandaff. But Le Neve describes him as obtaining Carlton-Kyme in exchange for the prebend of Thorngate (Le Neve, *Fasti Ecclesiae Angl.* ii. 222).

[14] *C.P.R.*, 1313–17, p. 634. He had been in the royal service "from his youth" (*C.C.R.*, 1330–33, p. 281).

[15] *C.P.R.*, 1321–24, pp. 207, 324. [16] *C.C.R.*, 1327–30, p. 228.

[17] Chancery Inquisitions of *A.Q.D.*, file 192.

[18] *C.C.R.*, 1330–33, p. 550. [19] *Rot. Parl.* ii. 68.

of chancery writs; [1] and in 1338 he received attorneys in chancery.[2] In 1333 he had been nominated, along with Henry Percy, Ralph Neville, and William Shareshull, to represent the king in the parliament of Edward Balliol.[3]

Thomas Bamborough in all probability came from Bamborough in Northumberland.[4] He was a close friend of Thomas Sibthorp, a colleague in the chancery, who was one of his executors.[5] Sibthorp had been attached to the Despensers, and had provided for masses to be said for the souls—among others—of Thomas Bamborough, Robert Baldock, and Hugh Despenser the younger.[6] Politics during the minority may have affected Thomas Bamborough himself. Twice in January 1331 Edward wrote commanding that he should be made keeper of the hospital of Bolton in the county of Northumberland, this position having been withheld from him previously in favour of Thomas Garton, a clerk of Queen Isabella.[7] In his second letter Edward described him as one "who from his youth has served the late king and him". With the triumph of Edward III. Thomas became one of the leading clerks in chancery until his death, between February and June 1340.[8]

Thomas Evesham was probably a native of Pershore[9] near Worcester. He was a clerk of chancery long before the reign of Edward III., being presented to his first living in January 1313,[10] and described as a clerk of chancery as early as April 1315.[11] He received an attornment in chancery as early as 1332; [12] and in the same year was a receiver of petitions in parliament,[13] being evidently, by this time, a clerk of the first grade. It was he who in 1341 received the rolls of chancery after the discredited John of St. Pol, and who headed the first commission appointed by Robert Bourchier to take charge of the great seal.[14] Evesham only acted as keeper of the rolls until the following February, however, when he was

[1] Chancery Inquisitions of *A.Q.D.*, file 237.
[2] *C.P.R.*, 1338–40, p. 7.
[3] *C.P.R.*, 1330–34, p. 503.
[4] *C.P.R.*, 1334–38, p. 279; *C.P.R.*, 1338–40, p. 541. He was custodian of the gate of Bamborough castle (*C.P.R.*, 1343–45, p. 445; *C.P.R.*, 1330–34, p. 247).
[5] *C.P.R.*, 1338–40, p. 541. Other chancery clerks were John of St. Pol and William Emeldon.
[6] *C.P.R.*, 1340–43, p. 402.
[7] *C.C.R.*, 1330–33, pp. 118, 281.
[8] *C.P.R.*, 1338–40, pp. 412, 541.
[9] In 1322 the men of Pershore were granted pontage for two years at the instance of Thomas Evesham, king's clerk (*C.P.R.*, 1321–24, p. 47). In 1331 his brothers Henry (of Pershore) and Richard were granted exemption of assizes for life at the request of Thomas Evesham, king's clerk (*C.P.R.*, 1330–34, p. 175). In 1334 Thomas Evesham was granted licence to alienate land to the Abbot and convent of Evesham, for his soul and the soul of Robert de Wetherton his uncle, late a monk of the abbey (*ibid.* p. 533).
[10] *C.P.R.*, 1307–13, p. 523.
[11] *C.C.R.*, 1313–18, p. 224.
[12] *C.C.R.*, 1330–33, p. 542.
[13] *Rot. Parl.* ii. 68.
[14] *C.C.R.*, 1339–41, p. 655.

superseded by John Thoresby.[1] He was a receiver of petitions in parliament both in 1341 and 1343,[2] but by January 1344 he was dead.[3]

He was an old-established clerk of chancery by the beginning of Edward III.'s reign, and seems to have been quite neutral in the political strife of the period. He was attorney for the leading members of the two great political parties, apparently quite unaffected by political animosities. If that were indeed the case, the significance of this type of legal service in the case of the average chancery clerk would be considerably diminished. But a detailed examination of his activities as attorney makes it clear that, with one exception, he only served members of the same political party at the same time.[4] From July 1322 until March 1327 he was in

[1] See Appendix III. *infra*. In the same month, possibly, he received attorneys "by license of Master John Thoresby" (*C.C.R.*, 1341–43, p. 482).

[2] *Rot. Parl.* ii. 126, 135. [3] *C.C.R.*, 1343–45, p. 272.

[4] Thomas Evesham acting as general attorney:

June 1319	Rigaud de Asserio, Papal Nuncio	*C.P.R.*, 1317–21, p. 346.
June 1320	Geoffrey of Cornwall, going overseas with Queen Isabella	*Ibid.* p. 448.
July 1322	John Stratford †	*C.P.R.*, 1321–24, p. 190.
February 1323	Do. †	*Ibid.* p. 245.
November 1324	Do. †	*C.P.R.*, 1324–27, p. 50.
February 1325	Do. †	*Ibid.* p. 84.
July 1325	Do. †	*Ibid.* p. 129.
September 1325	John de Blebury	*Ibid.* p. 169.
March 1327	W. Bishop Norwich *	*C.P.R.*, 1327–30, p. 30.
March 1327	Barth. Burghersh.	*Ibid.* p. 63.
October 1327	W. Bishop Norwich	*Ibid.* p. 175.
May 1329	John Maltravers	*Ibid.* p. 390.
September 1329	W. Bishop Norwich	*Ibid.* p. 441.
January 1331	Do. *	*C.P.R.*, 1330–34, p. 42.
November 1331	J. Bishop Winchester (Stratford), Chancellor †	*Ibid.* p. 218.
April 1332	Do.	*Ibid.* p. 276.
September 1332	W. Bishop of Norwich *	*Ibid.* p. 339.
July 1334	Thos. Burgh (treasurer of Ireland)	*Ibid.* p. 562.
October 1334	J. Arch. Cant (Stratford) †	*C.P.R.*, 1334–38, p. 37.
July 1335	W. Bishop Norwich	*Ibid.* p. 154.
April 1337	W. Clinton, E. Huntingdon.	*Ibid.* p. 428.
September 1337	E. Ormond (J. Butler)	*Ibid.* p. 526.
July 1338	J. Archb. Canterbury	*C.P.R.*, 1338–40, p. 98.
June 19, 1339	Do.	*Ibid.* p. 387.

Evesham acting as temporary attorney (ignoring cases before 1320 and omitting obscure individuals):

June 1320	Barth Burghersh	*C.C.R.*, 1318–23, p. 241.
August 1321	John Maltravers	*Ibid.* p. 488.
December 1325	Rich Grey of Codnor.	*C.C.R.*, 1323–27, p. 530.

† Along with Robert Stratford. * Along with Adam Airmyn.

the service of the Stratfords.[1] He then entered the service of William Airmyn, Bishop of Norwich, and remained with him or his political supporters, until November 1331.[2] From 1331 he was in the service of John Stratford until October 1334, with the exception of an instance, in September 1332, of service to the Bishop of Norwich.[3] Between 1334 and 1338 he was general attorney for the Bishop of Norwich, the Earl of Huntingdon, and the Earl of Ormond, and acted attorney also for the Earl of Hereford. But in 1338 and 1339 he was again attorney of John Stratford. There is a connection perhaps between these dates and the changing political fortunes of the period 1320–40: at least they show that Evesham's legal service was not distributed altogether indiscriminately, although in fact it was at the disposal of both the great political parties of the time.

John Blebury was another clerk to receive petitions in parliament for the first time in 1332.[4] Very little is known of his career. He was actively employed by the crown for the greater part of the reign of Edward II.[5] He was employed from 1322–26, taking inquisitions regarding lands forfeited by rebels to the crown; [6] but he was clearly out of sympathy with the dominant political party of that period.[7] He mainperned for some of the rebels of 1322; [8] and in 1323 Edward II. commanded the keepers of the great seal

April 12, 1326	John Feriby	*Ibid.* p. 556.
May 1328	William Clinton	*C.C.R.*, 1327–30, p. 384.
December 1330	Thos. de Burgh	*C.C.R.*, 1330–33, p. 172.
January 1331	W. Airmyn, B. Norwich	*Ibid.* p. 181.
October 1332	Do.	*Ibid.* p. 605.
June 1335	J. de Bohun, E. Hereford	*C.C.R.*, 1333–37, p. 492.
1335	Th. Evesham, one of the attorneys of John de Bohun	*Ibid.* p. 495.
December 1338	Th. Evesham, general attorney of J. Stratford	*C.C.R.*, 1337–39, p. 627.
October 1339	R. Bishop of Bath and Wells	*C.C.R.*, 1339–41, p. 275.

[1] In September 1325 he was in the service of John Blebury, but it is not known whether or not Blebury supported the Stratfords. He was last created general attorney of Stratford in July 1325.

[2] He also served Bartholomew Burghersh and John Maltravers.

[3] He was also attorney, in July 1334, for Thomas Burgh, treasurer of Ireland.

[4] *Rot. Parl.* ii. 68.

[5] He is first mentioned in 1318, sent by the chancellor to hear a confession of robbery (*C.C.R.*, 1313–18, p. 617). He received a protection in 1322, being "intendant upon the king's service" (*C.P.R.*, 1321–24, p. 230).

[6] *C.C.R.*, 1318–23, pp. 592, 623; *C.C.R.*, 1323–27, pp. 69, 83, 99, etc.

[7] John of Blebury was an executor of the will of the Earl of Gloucester (*C.P.R.*, 1313–17, p. 195). In 1314 and 1316 John Blebury, clerk, had been attorney in Ireland of Bartholomew Badlesmere. At the same time John Blebury appointed master John Blebury to be his attorney in England (*C.P.R.*, 1313–17, pp. 202, 462, 464).

[8] *C.C.R.*, 1318–23, p. 458; *C.C.R.*, 1323–27, p. 90.

to remove him from his position in the chancery.[1] He was employed through the minority, and in the chancery of Edward III., and received an attornment first (1333) in the year after he received petitions in parliament.[2] His subsequent career, however, is extremely obscure. I have not seen his name on chancery records after 1338.[3] He was probably mentioned in 1348;[4] but it is extremely unlikely that it was he who obtained considerable promotion in the church between 1350 and 1360 and who died before 1372.[5] He cannot safely be regarded as acting as a chancery clerk after the period 1338–40.

Thomas Brayton, who first appeared as a greater clerk—receiving petitions—in 1332, was one of the few chancery clerks who clearly made his way from the first by service direct to the king. He was a Yorkshireman.[6] As early as 1319 he was presented to a prebend in the cathedral church of Glasgow.[7] He was then a king's clerk, and in the same year he was employed making an indenture of the goods of the imprisoned Roger Mortimer.[8] About the same period he was attorney for a number of undistinguished knights and clerks, and, in 1324, for Mary, late wife of Aymer de Valence.[9] But he remained obscure until, on May 20, 1329, he went overseas with the young king Edward III.[10] In the years following the revolution of 1330 Brayton became much more important. He received an attornment in chancery as early as 1331,[11] and in 1332 he received petitions in parliament.[12] He began to be employed on responsible missions by the king.[13] It was not until the crisis of 1340, however, that he acted on a commission in charge of the great seal. It was under his seal, and the seals of Robert Sadington and Thomas Evesham, that Kilsby sent the great seal to the Tower, from December 2 to December 14, 1340: and Brayton was on every subsequent commission holding the seal, until 1353, beginning with that appointed on December 16.[14] Throughout all this

[1] Maxwell-Lyte, *The Great Seal*, p. 4.
[2] *C.C.R.*, 1333–37, p. 121.
[3] Chancery Inquisitions of *A.Q.D.*, file 246.
[4] *C.C.R.*, 1346–49, p. 487. Cf. *C.C.R.*, 1337–39, p. 124.
[5] *Cal. Papal Registers, Petitions*, i. 290, 343; *Cal. Papal Registers, Letters*, iii. 379, 398.
[6] *C.P.R.*, 1340–43, p. 229. Possibly from Brayton, near Selby.
[7] *C.P.R.*, 1317–21, p. 380. But this was not likely to be of any value to him.
[8] *C.C.R.*, 1318–23, p. 415.
[9] *C.C.R.*, 1323–27, p. 324. This was along with Adam Airmyn. The other cases are: Gilbert of Rishton (*C.C.R.*, 1318–23, pp. 684, 720; *C.C.R.*, 1323–27, p. 330); Bernard Brus (*C.C.R.*, 1318–23, p. 127); Edward Bacun, knight (*ibid.* p. 206, etc.).
[10] *C.P.R.*, 1327–30, p. 390.
[11] *C.C.R.*, 1330–33, p. 275.
[12] *Rot. Parl.* ii. 68.
[13] *C.P.R.*, 1330–34, p. 479; *C.P.R.*, 1334–38, pp. 40, 223, 546.
[14] See Appendix III. *infra*. On the commission of February 1341 he was described as the chancellor's clerk (*C.C.R.*, 1341–43, p. 107).

period, from as early as 1332, he was not only employed in the chancery, but was in the confidential employment of Queen Philippa.[1] After the treaty of Brétigny, the King of France, the Prince of Wales, and the Duke of Lancaster petitioned the Pope to obtain for him permission to hold a sinecure benefice; and this was granted in February 1361.[2] And Brayton's last recorded act in chancery occurred in the same month.[3]

Master John Langetoft was an altogether exceptional type of chancery clerk, being imported from Cambridge in 1333, straight into the ranks of the greater clerks of chancery.[4] The exceptional method of his appointment is indicated by the fact that it was recorded in letters patent which contained that Langetoft had been appointed by the king, "with the assent of his council, to stay in the chancery as one of the great clerks there", receiving a grant of ten marks yearly "in regard to laudable witness to his character and learning".[5] Langetoft does not appear to have undertaken many of the duties of the greater clerks of chancery within the office;[6] but he was soon engaged on a number of activities outside, and in 1337 he went overseas in the king's service.[7] In 1340, however, he was a receiver of petitions in parliament,[8] though this was the only occasion. In 1348 he was in charge of the temporalities of Canterbury, on behalf of the king,[9] and by November 1360 he was dead.[10]

John of St. Pol, who was the third keeper of the rolls of chancery under Edward III., was an extremely interesting person. He was a Yorkshireman, though probably connected with Mary of St. Pol,

[1] Attorney 1332, along with J. Eston (*C.C.R.*, 1330–33, p. 542); in 1337, along with Wm. Kirkeby (*C.C.R.*, 1337–39, pp. 111, 284), and along with J. Eston (*ibid.* p. 262); in 1344, along with J. Eston (*C.C.R.*, 1343–46, p. 366); in 1348, along with Roger Clove (*C.C.R.*, 1346–49, p. 504); in 1356, along with Richard Ravenser (*C.C.R.*, 1354–60, p. 324); in 1358, along with William de Cheston (*C.P.R.*, 1358–61, p. 88). Cf. *C.C.R.*, 1349–54, pp. 220, 229, 345, 348, 390, 504, 512, 515, 582, 602. In 1351 the chancellor, keeper of the rolls, and barons of the exchequer were directed to receive Thomas Brayton, Gervase Wilford, J. Newbury, and Thomas Clogh as attorneys of Queen Philippa (*C.P.R.*, 1350–54, p. 43). In 1344 Brayton was described as having given "true and laudable service to the king as well as to Queen Philippa" (*C.P.R.*, 1343–45, p. 364).

[2] *Cal. of Papal Registers, Petitions*, i. 364.

[3] *C.C.R.*, 1360–64, p. 243.

[4] He had been keeper of the king's scholars in Cambridge, receiving 3d. daily and robes yearly for his services (*C.P.R.*, 1334–38, p. 28).

[5] *C.P.R.*, 1330–34, p. 474.

[6] Though the mention "Lang" on a chancery writ for an inquisition of *A.Q.D.* (1336) may be an abbreviation of his name (Chancery Inquisitions of *A.Q.D.*, file 237). And on June 30, 1338, he received attorneys in chancery (*C.P.R.*, 1338–40, p. 98).

[7] *C.P.R.*, 1334–38, p. 564.

[8] *Rot. Parl.* ii. 112.

[9] *C.P.R.*, 1348–50, p. 212.

[10] *C.P.R.*, 1358–61, p. 496. His origin is not known. There are two modern villages of Langtoft, one in Lincolnshire and one in Yorkshire (East Riding).

wife of the Earl of Pembroke.[1] He was a chancery official at least as early as 1332, probably considerably earlier,[2] since he was on a commission holding the great seal in 1334, and was made keeper of the rolls in April 1337. His subsequent career is not easy to understand. He was exceedingly prominent in chancery during the period preceding 1341 : twice he held the great seal under his sole care. In December 1340 he was dismissed, along with other chancery clerks, by the king. He was thus identified with the defeated political party of the Stratfords. Yet he was on a commission holding the great seal in 1341; and by 1343, if not before, he was receiving his full wages as a clerk of the first grade.[3] In 1347 he was ratified in the archdeaconry of Cornwall: [4] in 1349 he was made Archbishop of Dublin; [5] and in 1350 he was made chancellor of Ireland,[6] where he quickly became a power in Irish politics and a strong force for order and moderation in the country.[7] His appointment to Ireland can, in the then state of that unfortunate country,[8] be regarded either as a reward for past services or a retreat from a service which had never been congenial to him since his disgrace of ten years before.

The second is the more obvious interpretation, but in favour of the former is the fact that John of St. Pol was regularly, before 1340, in the employment of the party which was responsible for Stratford's defeat; [9] and the Earl of Devonshire, one of the leaders of the court party, writing to Michael Wath some time after 1337, described John of St. Pol as "nostre Clierk".[10] On July 12, 1338, writing from Walton on the eve of his departure overseas, Edward had

[1] *D.N.B.* (E. I. Carlyle). He was illegitimate, but his parents apparently subsequently married (*Cal. Papal Registers, Letters*, ii. 312, 546, 556).

[2] *C.P.R.*, 1330–34, p. 261. He has been described as being a chancery clerk before 1318, but on evidence that is hardly convincing (*D.N.B.*). The first recorded grant made to him was in 1333, when the king granted him a pension from the abbess and convent of Romsey, "for his great merits" (*C.C.R.*, 1333–37, p. 175). I have not found his name on any chancery writ before 1332.

[3] See *supra*, p. 68.

[4] *C.P.R.*, 1345–48, p. 364.

[5] *Cal. of Papal Registers, Letters*, iii. 312.

[6] *C.P.R.*, 1348–50, p. 555.

[7] In 1351 he issued a set of constitutions for his diocese; and he continued rigorously and successfully the old quarrel with the Archbishop of Armagh (Wilkins, *Concilia*, p. 18; *C.P.R.*, 1350–54, p. 323). He ultimately achieved quite a commanding position in the council in Ireland (*Foedera*, i. 352, 411, 432-5).

[8] *Statutes of the Realm*, i. 362-4.

[9] He was an attorney of the Earl of Arundel in 1331 (*C.C.R.*, 1330–33, p. 276); of the Countess of Pembroke in 1330, 1332, 1333, and 1334 (*C.C.R.*, 1330–33, p. 134; *C.P.R.*, 1330-34, pp. 277, 376, 432, 467, 543); of Hugh le Despenser in 1337 (*C.P.R.*, 1334–38, p. 550); of Henry Burghersh, Bishop of Lincoln, in 1337 (*C.P.R.*, 1334–38, pp. 421, 537); of Bartholomew Burghersh (*C.P.R.*, 1334–38, p. 91); and of Hugh Audley (*C.P.R.*, 1330–34, p. 410).

[10] Ancient Correspondence, 39/122.

written to the chancellor, commanding him to provide John of St. Pol with a benefice, "eantz regarde as longes et greables services qe nostre cher Clerc Johan de Seintpol ad fait tant bien a nostre trescher piere qi deus assoill, et come a nous, et uncore fait de cour en autre continuelment entendant a noz busoigne sanz qe due regarde lui ad eut este fait par nostre dit piere ou par nous".[1] This was partly common form, but it does suggest that John of St. Pol had the king's confidence at this critical time, and subsequent events suggest that he did not lose it entirely, even though he was dismissed in 1340. He was provided with a robe in chancery after 1341 "on account of his past and present services"; and he was the only one of the four chancery clerks dismissed in 1340 who continued to be promoted after 1341. It may have been that his earlier employment by the court party saved him from the result of an unfortunate temporary co-operation with the Stratfords in 1340; but to what extent that was the case it is impossible to decide.

Michael Wath, who was made keeper of the rolls in 1335, had received his first living in the church nearly thirty years before, on September 26, 1316.[2] In 1323 he had received a protection as a clerk "constantly attendant on the king's service in chancery".[3] He was in charge of the rolls from January 20, 1334, until April 28, 1337; he was dismissed from chancery in the crisis of 1340, restored to some sort of favour by 1344, and died in 1350.[4]

He was a Yorkshireman.[5] He had been mainpernor for Roger Cursoun of York, a Lancastrian, in 1322.[6] In 1321 he was attorney for Thomas Furnival the younger; in 1325 he was acting for Thomas Furnival the elder.[7] In 1322 he was attorney for Richard Airmyn.[8] In 1334 he was in the service of J. Earl of Cornwall.[9] In 1335 he was an attorney for John Bohun, Earl of Hereford.[10] In the same year he was a mainpernor for John Fauconberg.[11] In 1337 and 1338 he was attorney for Henry, Earl of Lancaster.[12] In 1340 he was an executor of the will of William

[1] Chancery Warrants of Privy Seal, I./248/11237.

[2] *C.P.R.*, 1313–17, p. 550. [3] *C.P.R.*, 1321–24, p. 337.

[4] Appendix III. *infra*; *C.C.R.*, 1343–45, pp. 406, 592; *C.P.R.*, 1345–48, p. 234; *C.C.R.*, 1349–54, p. 395. He had been supervising the collection of the ninth and fifteenth in the East Riding of Yorkshire (*C.P.R.*, 1338–40, p. 551).

[5] *C.F.R.*, iii. 170; *ibid.* v. 29; *C.C.R.*, 1330–33, p. 486.

[6] *C.F.R.* iii. 170.

[7] *C.C.R.*, 1313–18, p. 356; *C.P.R.*, 1324–27, p. 113. Thomas Furnival had been one of the northern lords supporting Thomas of Lancaster at Pontefract in 1321 (*Chronicles of Edward I. and II.* (Auctor. Bridlington), ii. 61).

[8] *C.P.R.*, 1313–18, p. 669. [9] *C.C.R.*, 1330–33, p. 308. [10] *Ibid.* p. 492.

[11] *C.C.R.*, 1333–37, p. 528. John Fauconberg had acted, along with Thomas Furnival, among the northern lords supporting Lancaster (*Chronicles of Edward I. and II.* (Auctor. Bridlington), ii. 61.

[12] *C.C.R.*, 1337–39, pp. 136, 377.

Melton, Archbishop of York.[1] One of his executors was Walter Power, an old servant of the Lancastrians.[2] Most of these cases point to some sort of connection with the Lancastrian party.

John Wodehouse was the first keeper of the hanaper of chancery under Edward III. Although at that time not in the highest grade of clerk, he was active and eminent, prominently engaged in moneylending and even in trading activities.[3] He accompanied the king overseas in 1329[4] and in 1338,[5] and was with the Earl of Northampton in 1337;[6] but his history outside the chancery is still not distinguishable from that of the master John Wodehouse to whom, in 1328, the king had conceded, at the instance of John Wodehouse, keeper of the hanaper, that no steward or minister of the king should take lodging in his house in York.[7] Wodehouse himself was, in April 1340, ratified in the position of clerk of the robes,[8] and given permission to reside at his benefices and return to chancery at will, with exemption from office or service outside chancery against his will. But on May 15, 1341, a certain J. Wodehouse was appointed escheator for Yorkshire:[9] in 1342 he was chancellor of the exchequer:[10] in 1346 he was a receiver of money for the war in Scotland, in parts beyond Trent;[11] and on January 15, 1345, he was appointed receiver of money from the tenth and fifteenth in the northern counties.[12] Already, in November 1346, the will of a John Wodehouse senior, formerly rector of the church of Sutton, had been proved in York.[13] It was probably not, however, the ex-keeper of the hanaper, a successor to whom, in one of his livings at least, was not appointed until 1355.[14] It is just possible therefore that Wodehouse was one of the very few chancery clerks who left their old office and engaged in activities and obtained further promotion outside.

Edmund Grimsby came from Lincolnshire,[15] in all probability from Grimsby, where he alienated land to provide a chaplain in the church of St. James,[16] besides receiving other land from a certain John Grimsby.[17] He was closely attached, at least under Edward

[1] *C.C.R.*, 1339–41, pp. 386, 633. [2] *C.C.R.*, 1349–54, p. 395.
[3] *C.F.R.*, 1337–47, p. 108. [4] *C.C.R.*, 1327–30, p. 504.
[5] *Foedera*, ii. 1039. [6] *Ibid.* ii. 997; *C.P.R.*, 1330–34, p. 531.
[7] *C.P.R.*, 1327–30, p. 201, Jan. 7, 1328. Though the two may quite possibly be one and the same.
[8] *C.P.R.*, 1338–40, p. 462. He had received an attornment as early as 1334 (*C.C.R.*, 1333–37, p. 309). [9] *C.F.R.*, 1337–47, p. 203.
[10] *C.P.R.*, 1340–43, p. 571; and canon of St. Peter's York (*C.P.R.*, 1343–45, p. 297). [11] *C.F.R.*, 1337–47, p. 474. [12] *Ibid.* p. 495.
[13] *Testamenta Ebor*, Surtees. Soc. i. 14.
[14] Le Neve, iii. 176. The keeper of the hanaper possibly came from London (*C.P.R.*, 1334–38, p. 252).
[15] *C.C.R.*, 1343–46, p. 556; *Cal. Papal Registers, Letters*, iii. 162.
[16] *C.P.R.*, 1340–43, p. 468. [17] *C.C.R.*, 1343–46, p. 100.

III., to the Despensers. Hugh le Despenser not only presented him to the church of Barrow [1] but petitioned the Pope for a canonry and prebend on his behalf.[2] His first presentation had occurred in 1319,[3] but he had not become prominent until, in 1333 (November) he was appointed keeper of the rolls of the chancery in Ireland.[4] He was apparently reluctant to proceed there, however, for he was threatened (along with others recently promoted to positions in Ireland) with forfeiture of his goods if he delayed any longer.[5] However, by September 1334 he was once more engaged in the king's work in England; and it is not probable that he ever accepted his Irish post.[6] He received attorneys in England in October 1337.[7] He was a receiver of petitions in the parliament of 1341,[8] and he was in charge of the great seal (under commission) for the first time in 1341,[9] being apparently in close personal contact with the new lay chancellor Bourchier.[10] From this time he was undoubtedly one of the leading clerks of chancery, though he did not again share in the care of the great seal until 1351.[11] He was a receiver of petitions in the parliament of 1352,[12] and by July 1353 he was dead.[13]

Robert Chigwell, the son of Richard Chigwell of Chelsea,[14] was one of the clerks dismissed in the crisis of 1340. He had first appeared in the records as early as 1333,[15] and was described as a king's clerk as early as 1337;[16] but there is no clear evidence, before his dismissal in 1340, that he was a clerk in chancery; in particular he was never recorded acting as a greater clerk. He was overseas with Edward in 1338, and returned to England "for the king's affairs" in the same year.[17] He had been sent by Edward in August, in an attempt to hasten the collection of wool in England, for the expedition abroad.[18] He was dismissed from office in 1340, and

[1] *C.P.R.*, 1343–45, p. 574.

[2] *Cal. Papal Registers, Petitions*, i. 145. Cf. also *Cal. Inq. P.M.* ii. 119, x. 414, 415, 416; *C.P.R.*, 1343–45, p. 268. He was attorney, early in his career, to two rising young clerks, John Thoresby and John Feriby: later to Mary of St. Pol, Countess of Pembroke (*C.P.R.*, 1327–30, p. 493; *C.C.R.*, 1330–33, p. 600; *C.P.R.*, 1350–54, p. 362).

[3] *C.P.R.*, 1317–21, p. 383.

[4] *C.P.R.*, 1330–34, p. 470; *C.C.R.*, 1333–37, p. 158.

[5] *C.C.R.*, 1333–37, p. 189.

[6] *C.P.R.*, 1334–37, pp. 7, 39, 128.

[7] *Ibid.* p. 531.

[8] *Rot. Parl.* ii. 126.

[9] *C.C.R.*, 1339–41, p. 656.

[10] It was to Grimsby that Bourchier gave the great seal to be taken to the king, preparatory to forming the commission.

[11] *C.C.R.*, 1349–54, p. 386.

[12] *Rot. Parl.* ii. 236.

[13] *C.C.R.*, 1349–54, p. 216. John of Darlington was the executor of his will. He had apparently died at Avignon (*Cal. Papal Registers, Petitions*, i. 264).

[14] *C.P.R.*, 1370–74, p. 427; *C.C.R.*, 1346–49, p. 615.

[15] *Cal. Papal Registers, Letters*, ii. p. 390.

[16] *C.P.R.*, 1334–38, p. 419.

[17] *C.C.R.*, 1337–39, p. 464.

[18] Exchequer Warrants, E.404/25.

judicial proceedings were taken against him for "trespasses" in 1341;[1] but by January 1344 he was again receiving promotion in the church.[2] In 1345, for "long service to the king and queen Philippa", he was given licence to sue for and obtain benefices to which he had been provided.[3] He was probably living as late as 1357 at least;[4] his executors were only mentioned in 1378.[5] The only position that can be assigned to him with certainty was in the employment of Queen Philippa as early as 1336,[6] and as late as 1345.[7] In 1344 he was described as her "clerk and special secretary."[8]

Of the chancery clerks who first appeared in responsible positions under the lay chancellors, Thomas Pardishowe is the earliest and perhaps the most interesting. He had been an attorney as early as 1333,[9] and acted frequently after that; but he was not mentioned as a chancery clerk before 1340. In December of that year, however, Bourchier gave to him the charge of the great seal, along with Thomas Evesham, keeper of the rolls, and Thomas Brayton,[10] an event which would normally have made it certain that he was a clerk of the first grade. However, about May 1341 he received attorneys in chancery, only with the licence of John Thoresby,[11] probably, therefore, being still in a lower grade. His prominence at the time of the crisis of 1340 was probably due to the fact that he was Bourchier's confidential clerk—possibly before the elevation of the latter to the office of chancellor.[12] This is the last occasion in which he appears as a chancery clerk in the records;[13] with the retirement of his patron he seems to have returned to obscurity.

John Marton, similarly appearing in 1341,[14] was again of northern origin: in 1345 he was described as of the diocese of York.[15] He was a clerk of long standing in the chancery: in 1333 he had been described as of long service to Edward III. and his father.[16] In 1345 he was appointed chancellor of the bishopric of

[1] *C.C.R.*, 1341–43, p. 111; *C.P.R.*, 1340–43, p. 110.

[2] *Cal. Papal Registers, Letters*, iii. 101, 156, 157. Edward himself asked for a benefice for him in 1345 (*Cal. Papal Registers, Petitions*, i. p. 93).

[3] *C.P.R.*, 1343–45, p. 489.

[4] *C.P.R.*, 1354–58, p. 607.

[5] *C.P.R.*, 1377–81, p. 256.

[6] *Cal. Papal Registers, Letters*, ii. 532.

[7] *Ibid.* iii. 188.

[8] *Cal. Papal Registers, Petitions*, i. 36.

[9] *C.C.R.*, 1333–37, p. 108.

[10] *C.C.R.*, 1339–41, p. 657.

[11] *C.C.R.*, 1341–43, p. 139. This entry, like others of the same kind, is undated.

[12] *C.C.R.*, 1339–41, p. 657; *C.C.R.*, 1341–43, p. 107. He was afterwards (1346) attorney of Robert Bourchier (*C.C.R.*, 1346–49, p. 64).

[13] His name appears on a chancery writ during the same year (Chancery Inquisitions of *A.Q.D.*, file 281).

[14] *Rot. Parl.* ii. 126. He received attorneys first on May 4, 1341 (*C.P.R.*, 1340–43, p. 169).

[15] *Cal. Papal Registers, Petitions*, i. 96.

[16] *C.P.R.*, 1330–34, p. 438.

Durham, then void.[1] He died between February and December 1349.[2] He had been closely associated, in his lifetime, with Henry Ingelby, who was one of his executors.[3] He was also the attorney, among others, of John de Vere, Earl of Oxford.[4]

Elias Grimsby first acted amongst the greater clerks of chancery in 1340–41, though he had been presented to his first living in the church in July 1319.[5] It is probable that he was a relative of Edmund Grimsby, his colleague in the office, who came from Grimsby in Lincoln; but there is no clear evidence of this; and he was a much more obscure personage. He was attorney in his early days for William Herlaston, the prominent chancery clerk of the last years of Edward II., who may have been keeper of the privy seal, 1325–26,[6] but who probably went overseas at the same time as Henry of Lancaster in 1325.[7] The widow of John Deyncourt, one of the northern lords of 1321, used him as her attorney in 1327.[8] He was attorney for Edmund, Earl of Kent in 1328, and of a then obscure young Lancastrian, John Thoresby, in 1330.[9] Later he was attorney for John Molyns (1334),[10] and Margaret, widow of the Earl of Hereford.[11] He received attorneys in chancery in August 1340,[12] and was a receiver of petitions in 1341.[13] He probably remained among the greater clerks of chancery from then until his death in 1360–61.[14] On January 18, 1363, Richard Ravenser was granted the place in the chancery which had been held by Ellis (Elias) Grimsby deceased.[15]

Robert Kellesey first appeared as a greater clerk of chancery among the receivers of petitions in 1341,[16] though he had been a clerk in the royal service under Edward II.[17] He was employed during the minority on commissions against the Despensers,[18] but

[1] *C.C.R.*, 1343–46, p. 528. [2] *C.C.R.*, 1349–54, pp. 54, 234.
[3] *C.C.R.*, 1341–43, p. 252; *C.C.R.*, 1339–41, p. 114, 480; *C.C.R.*, 1333–37, p. 118; *C.C.R.*, 1349–54, p. 234.
[4] *C.C.R.*, 1337–39, p. 532; *C.C.R.*, 1341–43, p. 101. In 1355 Henry of Lancaster petitioned the papal curia on behalf of a John de Marton, B.C.L., of the diocese of York, for a benefice (*Cal. Papal Registers, Petitions*, i. 275).
[5] *C.P.R.*, 1317–21, p. 381. [6] Tout, *Edward II.*, p. 357.
[7] *C.P.R.*, 1324–27, p. 167. For further connection with the Herlaston family, see *C.C.R.*, 1330–33, p. 135; *C.P.R.*, 1324–27, p. 170.
[8] *C.C.R.*, 1327–30, p. 105. (Along with her second husband.)
[9] *Ibid.* p. 393; *C.P.R.*, 1327–30, p. 493.
[10] *C.C.R.*, 1333–37, pp. 313, 323. [11] *Ibid.* p. 648.
[12] *C.P.R.*, 1340–43, p. 21. [13] *Rot. Parl.* ii. 126.
[14] *Cal. Papal Registers, Petitions*, i. 372; *C.C.R.*, 1360–64, p. 405. His executors were Peter Barton and William Thornton.
[15] *C.P.R.*, 1361–64, p. 280.
[16] *Rot. Parl.* ii. 126.
[17] *C.P.R.*, 1324–27, p. 301. A protection for Robert Kellesey, clerk, was issued in 1322 (*C.P.R.*, 1321–24, p. 91).
[18] *C.C.R.*, 1327–30, p. 63; *C.F.R.*, iv. 40.

was soon employed after the revolution of 1330.[1] He probably came from Lincoln[2] where there was a village of the same name (Kelsey).

David Wollore, who was made a greater clerk in 1344, is one of the few clerks of whose promotion we have definite record. In this year his appointment was sanctioned by the king, "by a writ of the king which said that on the death of Thomas Evesham, Robert Parvyng, with the assent of all, created David Wollore to fill his place; and the king agreed".[3] By this time he was an old chancery clerk. His name appears first on chancery writs as early as 1329;[4] he was acting as attorney in chancery in 1330;[5] and he received his first living in 1331.[6] In 1334 he attended on behalf of the king the parliament of Edward Balliol in Scotland.[7] In 1345 he became keeper of the rolls. He held this office for twenty-five years, seldom appeared in the records except in the duties of the office, and was never promoted further.

Although in 1349 he became prebendary of St. Paul's,[8] he was never well rewarded, and in 1352 he was "too poorly promoted to support the estate and burden" of his position as keeper, and he received a grant of £50 yearly till his "promotions" improved.[9] Little further is recorded of him: he was a member of the council in 1369;[10] and he died in 1370-71.[11] His obscurity outside the routine administrative work of chancery was in marked contrast with his activities and importance within.[12] It was typical of that increasing specialisation and exclusion from general and political affairs which was one of the healthiest tendencies of all the officials of the chancery of the later years of Edward III., except the chancellor himself.

Thomas Sibthorp did not clearly act as a chancery clerk of the first grade until 1343, when he was a receiver of petitions in parliament;[13] but he was probably among the leading clerks some time

[1] *C.C.R.*, 1330–33, p. 591; *C.P.R.*, 1330–34, p. 510.
[2] *C.C.R.*, 1341–43, p. 355; C.C.R., 1339–41, p. 103; but cf. *C.F.R.*, v. 231.
[3] P.R. 189, Hanaper Account.
[4] Chancery Inquisitions of *A.Q.D.*, file 203.
[5] *C.C.R.*, 1330–33, p. 171.
[6] *C.P.R.*, 1330–34, p. 221. The church of Knaresdale in the diocese of Durham.
[7] *Foedera*, ii. 875, 897.
[8] *C.P.R.*, 1348–50, p. 402.
[9] *C.P.R.*, 1350–54, p. 200.
[10] *C.C.R.*, 1364–68, pp. 404, 499.
[11] He was still living in July 1370 (*C.P.R.*, 1367–70, p. 453), but his executors were recorded on March 28, 1371 (*C.P.R.*, 1370–74, p. 61); and his successor in the rolls department was acting in the same month.
[12] Chancery Inquisitions of *A.Q.D.*, files 357, 364, 365, 367; Chancery Inquisitions of *P.M.*, Edward III., files 199, 206, etc.; Exchequer Warrants, E.404/55/; Account of Richard Ravenser at the Exchequer, Exchequer Accounts, E.101/393/7.
[13] *Rot. Parl.* ii. 135.

before this. He had received livings in the church as early as 1318 and 1319;[1] he was described as a chancery clerk as early as 1323.[2] He was keeper of the hanaper of chancery from October 1, 1324 to January 26, 1327,[3] and he received attorneys in chancery by March 1338.[4] He was probably amongst the clerks of the first grade from this time, or from 1343 at the latest, until his death in 1351.[5]

Sibthorp was probably a native of Sibthorp in Nottinghamshire.[6] During his career in the chancery he was attorney for Edmund, Earl of Kent (1328),[7] and a few comparatively obscure people;[8] but the great political attachment of his life seems to have been to the Despensers and Robert Baldock. On March 6, 1327, a letter patent was issued, restoring to favour Thomas Sibthorp "suspected by Queen Isabella and the king before he assumed the government of the realm, of adherence to Hugh Despenser the younger, and Master Robert Baldock, rebels; he [Sibthorp] having so acted since as to remove suspicion".[9] Sibthorp had, we know, been persecuted by the exchequer, for the issues of the hanaper of chancery which Edward II. had granted to Baldock on February 3, 1325, and which Baldock had drawn until October 28, 1326, and for issues which did not exist, between October 28 and the following December 2, for, Sibthorp said, no letters or charters were sealed between these two dates.[10] He was now restored to some degree of favour, though he lost charge of the hanaper of chancery. He seems to have been completely restored after the revolution of 1330; and in 1332 we find Edward III. naming him one of his following in a projected expedition to Ireland.[11] He remained true to the memory of his former patrons, however (a thing quite compatible with loyal service to Edward III.), and he founded the chapel of St. Mary's, Sibthorp, for the souls of (among others) Thomas Bamborough, Robert Bardelby, Robert

[1] *C.P.R.*, 1317–21, pp. 162, 383.
[2] *C.C.R.*, 1323–27, p. 29.
[3] Appendix III. *infra*.
[4] *C.C.R.*, 1337–39, p. 270.
[5] He was probably murdered. He was active until May 1351 (*C.C.R.*, 1349–54, pp. 229, 242, 363). On October 26 in the same year the death of Thomas Sibthorp, clerk, at the hands of a certain Nicholas Gower, is recorded (*C.P.R.*, 1350–54, p. 171).
[6] In 1326 licence was issued for Simon Sibthorp to enfeoff Thomas Sibthorp of land in Sibthorp and for Thomas to regrant the same to Simon entailed (*C.P.R.*, 1321–24, p. 326). Thomas Sibthorp made a number of alienations to the church of St. Peter, Sibthorp, to found a chantry there for himself and his relatives (*C.P.R.*, 1324–27, pp. 38, 182; *C.C.R.*, 1327–30, p. 205; *C.P.R.*, 1338–40, p. 299; *C.P.R.*, 1350–54, p. 77. Cf. a similar alienation to the chapel of St. Mary in the neighbouring village of Beckingham (*C.P.R.*, 1330–34, p. 376).
[7] *C.C.R.*, 1327–30, p. 393.
[8] *E.g. C.P.R.*, 1327–30, p. 390.
[9] *Ibid.* p. 41.
[10] *C.C.R.*, 1333–37, p. 62. Cf. *C.C.R.*, 1323–27, p. 474.
[11] *C.C.R.*, 1330–33, p. 583.

Baldock, and Hugh Despenser the younger.[1] Sibthorp seems to have remained unaffected, or at least undisturbed, by subsequent political changes; and he was one of those present when the king handed the great seal to his first lay chancellor during the crisis of 1340–41.

Thomas Capenhurst was a greater clerk at the latest by 1344.[2] He came from Chester,[3] and was first mentioned in the records in February 1328.[4] He thus appears to have been introduced into the chancery during the minority of Edward III., in which case his connection with Chester is of considerable interest. He was attorney to William Clinton (1328),[5] Elias Hungerford (1328),[6] and Oliver Ingham (1331).[7] He received attorneys in chancery in July 1337, and was a receiver of petitions in parliament in 1344 and 1347; but was scarcely mentioned in the records throughout.

Thomas Cotingham the elder first appeared in the records when, on May 26, 1314, he received the custody of the body of Leeds Castle, with the assent of Queen Margaret, who held the castle for life.[8] He received his first living in 1319.[9] He did not take a prominent part in the work of chancery until, in September 1337, he first received attorneys.[10] But he did not receive petitions in parliament until 1346,[11] and though he was present at a transference of the great seal in 1341, he was not on any commission holding it until 1349.[12] And by April 1350 he was dead.[13]

William Emeldon had first received attorneys on September 26, 1337,[14] but it is not certain that he was a greater clerk until 1350.[15] He had frequently been an attorney in the later years of Edward II.[16] In 1332 he was one of the clerks "constantly attendant on the king's

[1] *C.P.R.*, 1340–43, pp. 401-2. Thomas Sibthorp and J. Pokelyngton were the executors of Thomas Bamborough (*C.C.R.*, 1337–39, p. 270).

[2] He received petitions in the parliament of this year, and in 1347 (*Rot. Parl.* ii. 146, 164).

[3] His brother Roger was described as of Chester (*C.C.R.*, 1343–46, p. 402; *C.C.R.*, 1339–41, p. 328). His name is doubtless to be identified with the village of Capenhurst, 5¾ miles from Chester.

[4] *C.C.R.*, 1327–30, p. 360.

[5] *Ibid.* p. 384.

[6] *Ibid.* p. 415.

[7] *C.C.R.*, 1330–33, p. 319. Ingham had been, of course, a close supporter of Mortimer.

[8] *C.P.R.*, 1313–17, p. 117.

[9] *C.P.R.*, 1317–21, p. 381 (in Galloway).

[10] *C.P.R.*, 1334–38, p. 497; *ibid.* p. 540.

[11] *Rot. Parl.* ii. 157.

[12] *C.C.R.*, 1339–41, p. 657; Appendix I. *infra.*

[13] *C.C.R.*, 1349–54, p. 230. He possibly came from Northamptonshire. In October 1348 Thomas, the son of J. Cotingham of that county, and R. Seymore made an acknowledgment of debt to Queen Philippa (*C.C.R.*, 1346–49, p. 592).

[14] *C.P.R.*, 1334–38, p. 523.

[15] He was then described as a "clerk of the robe" (*C.P.R.*, 1348–50, p. 493).

[16] *C.C.R.*, 1324–27, pp. 326, 342, 348, 349, 352, etc.

business", who received letters of protection.[1] In 1347 he agreed to accompany Edward Balliol, in charge of his great seal, receiving two shillings a day for himself, and twelve pence for each of ten men-at-arms and ten archers.[2] This must have been in addition to his pay in the chancery of England. In 1350 he became chancellor and chamberlain of Berwick for Edward III., retaining his position as clerk of the robes in England.[3] He died between June 1360 and February 1361.[4]

He was a native of Newcastle-on-Tyne.[5] In December 1340 he was described as clerk of John of St. Pol;[6] in 1344 as the clerk of Robert Sadington the chancellor.[7] Earlier in his career he had been attorney of Adam and William Airmyn.[8] Later he was constantly employed by a group of northern magnates, the Earl of Athol (1324, 1328),[9] Thomas Roos of Helmesly (1338),[10] Ralph Neville (1337, 1341),[11] and Henry Percy (1340, 1341),[12] the last three of whom, we may assume, were in substantial agreement with the military policy of Edward III., and supporting his action in the crisis of 1340.

Walter Power, though he received attorneys in chancery as early as 1341,[13] first acted as a receiver of petitions in parliament in 1350.[14] He had been a general attorney for Henry of Lancaster as early as 1344 and 1345;[15] and he continued to be closely attached to the house of Lancaster throughout his whole career.[16]

John Gogh, who appeared along with Walter Power, acting as a clerk of the first grade in 1350,[17] was a Welshman,[18] and had been in the king's service as early as 1332;[19] but he was not described as a

[1] *C.P.R.*, 1330–34, p. 370. [2] *C.C.R.*, 1346–49, p. 250.
[3] *C.P.R.*, 1348–50, p. 493.
[4] *C.C.R.*, 1360–64, p. 117; *Cal. Papal Registers, Petitions*, i. 317.
[5] *C.C.R.*, 1354–60, p. 199; *C.P.R.*, 1330–34, p. 395; *C.P.R.*, 1334–38, p. 262; *C.C.R.*, 1333–38, p. 215; *C.P.R.*, 1348–50, p. 477.
[6] *C.C.R.*, 1339–41, p. 657. He was afterwards (1350) along with J. Coddington, an attorney of John of St. Pol. (*C.P.R.*, 1348–50, p. 555). He was an executor, in 1340, and along with John of St. Pol, Thomas Sibthorp and others, of Thomas Bamborough (*C.P.R.*, 1338–40, p. 541).
[7] *C.C.R.*, 1343–46, p. 347.
[8] *C.C.R.*, 1324–27, pp. 527, 659; *C.C.R.*, 1330–33, p. 299 (1325, 1326–27, 1331). He was attorney for Wm. Airmyn (1325) along with Adam Airmyn.
[9] *C.C.R.*, 1324–27, p. 323; *C.C.R.*, 1327–30, p. 372.
[10] *C.C.R.*, 1338–40, p. 537.
[11] *C.C.R.*, 1333–38, p. 126; *C.C.R.*, 1341–43, p. 331.
[12] *C.C.R.*, 1339–41, p. 459. [13] *C.C.R.*, 1341–43, p. 113.
[14] *Rot. Parl.* ii. 225. [15] Ancient Correspondence, 39/172.
[16] *C.C.R.*, 1358–60, p. 627; *Foedera*, iii. 1026; *Register of John of Gaunt*, i. 267–8, ii. 14, 134, 206; *Cal. Papal Registers, Petitions*, i. 271. (Henry, Duke of Lancaster, on behalf of his clerk, Walter Power.)
[17] *Rot. Parl.* ii. 225; *C.P.R.*, 1348–50, p. 580. Received attorneys, Nov. 1, 1350 (*C.P.R.*, 1350–54, p. 5).
[18] *C.F.R.*, v. 127, 149-50. [19] *C.P.R.*, 1330–33, p. 344.

chancery clerk before 1350. It may have been Thoresby's association with St. David's which was responsible for Gogh's appearance in chancery; but throughout his career the latter was not associated with Thoresby, but with Guy de Brian, lord of Laugharne in South Wales, whose clerk and attorney he was.[1]

John Coddington was a clerk of Nottinghamshire.[2] He was acting as a chancery clerk in 1342, when his name appeared at the foot of chancery writs;[3] but already in 1339 he had been paid for expenses incurred whilst transporting the chancery rolls from London to York.[4] He first received attorneys in chancery on August 20, 1349.[5] In 1350 he was clerk of parliament,[6] and thus a clerk of the first grade. The first occasion on which he had acted as attorney was in 1327 in the service of the notorious John Maltravers;[7] and he later served — amongst others — Bartholomew Burghersh,[8] Robert Bourchier,[9] John Thoresby,[10] and John of St. Pol.[11] If he is to be credited with political sympathies they lay evidently with the court party.

William Newenham first appeared acting as a clerk of the first grade in 1352;[12] but he had received attorneys as early as September 25, 1343.[13] He was first described as a clerk of chancery on December 8, 1333;[14] and his name had appeared on chancery writs by 1338.[15] In his early years he was extremely popular as an attorney, particularly for the Italian merchants in England;[16] but the only other men of eminence who employed him were Hugh Mortimer[17] (in 1338) and Thomas Dagworth[18] (in 1349). He died in 1360 and his possessions went to his brother.[19]

[1] *Cal. Papal Registers, Petitions*, i. 205, 221, 279; *C.C.R.*, 1349–54, pp. 510, 590; *C.P.R.*, 1354–58, p. 113; *C.P.R.*, 1348–50, p. 580; *C.C.R.*, 1349–54, p. 469.

[2] *C.C.R.*, 1354–60, p. 72. Probably to be identified with Coddington, 2¼ miles from Newark.

[3] *A.Q.D.*, file 260. In 1345 it appears both in *A.Q.D.*, file 276 and in Exchequer Various Warrants, 552/21.

[4] *C.C.R.*, 1339–41, p. 64.

[5] *C.P.R.*, 1348–50, p. 356.

[6] *Rot. Parl.* ii. 226.

[7] *C.C.R.*, 1327–30, p. 99. This was John of Coddington the younger: the same description is given to Coddington when he was going on a pilgrimage in 1350 (*C.P.R.*, 1348–50, p. 558). An ambiguity is created in 1357 by the appearance of executors for J. Coddington, whilst the name continues to appear in the *Rot. Parl.* (ii. 299, etc.) until 1369 (*C.C.R.*, 1354–60, p. 410). The reference in 1357 is probably to John Coddington the elder: it hardly seems probable that he was also a chancery clerk.

[8] *C.C.R.*, 1333–37, p. 509.

[9] *C.C.R.*, 1346–49, p. 64.

[10] *C.P.R.*, 1343–45, p. 367.

[11] *C.C.R.*, 1343–46, p. 217; *C.P.R.*, 1348–50, p. 555.

[12] *Rot. Parl.* ii. 236.

[13] *C.P.R.*, 1343–45, p. 121; also *ibid.* pp. 271, 304, 341, 471, 552.

[14] *C.C.R.*, 1333–37, p. 164.

[15] Inquisitions of *A.Q.D.*, file 244.

[16] *C.C.R.*, 1333–37, pp. 346, 672; *C.C.R.*, 1337–39, pp. 120, 135.

[17] *Ibid.* pp. 383, 511.

[18] *C.C.R.*, 1349–54, p. 4.

[19] *C.P.R.*, 1358–61, p. 501; *C.C.R.*, 1360–64, p. 463.

Henry Haydock was a clerk of the second form in 1351,[1] raised to the rank of first form by 1353, and receiving attorneys in chancery by November 5, 1352.[2] He came from Lancashire.[3] He was employed in the chancery at least as early as 1338,[4] though I have not discovered his name on chancery writs so early. By 1351 he was a clerk of the second grade, and was taken then into the service of Henry, Duke of Lancaster.[5] It was whilst in this service that he became a clerk of the first grade in chancery.[6]

In 1353 there first appeared among the clerks of the first grade Andrew Offord, brother of Thoresby's predecessor.[7] This was no doubt the reason for his promotion in the office of chancery. Although he was a doctor of Civil Law,[8] and had been a prominent diplomatic representative of the crown before 1354,[9] there is nothing to indicate that he was a chancery clerk before 1348.[10] In that year he took the great seal from David Wollore at Sandwich to his brother at Oxford.[11] In 1353 he acted on a commission in charge of the great seal; and in 1354 he was a receiver of petitions in parliament. After this his recorded activities as a chancery clerk cease, though he probably retained his rank. He died at Avignon in 1358.[12] Offord had been appointed as king's councillor according to Professor Baldwin in 1346.[13] But he had already been appointed on the council in 1345, in anticipation of the king's absence overseas; [14] and it seems probable that the appointment of 1346 was of a similar special and temporary nature.[15] There is nothing to show that he was a councillor at the time that he was a chancery clerk.

Roger Chesterfield, who was appointed on November 22, 1360, in place of William Newenham, probably came from Chesterfield,[16]

[1] *C.P.R.*, 1350–54, p. 114. [2] *C.P.R.*, 1350–54, pp. 355, 397.

[3] *C.C.R.*, 1343–46, p. 450; *C.C.R.*, 1333–37, p. 684. There was another Henry Haydock, knight of the shire for Lancaster in 1329 and 1336 (*C.C.R.*, 1327–30, p. 528; *C.C.R.*, 1333–37, p. 707).

[4] *C.C.R.*, 1337–39, p. 447. [5] *C.P.R.*, 1350–54, p. 114.

[6] *Ibid.* p. 397.

[7] *Cal. Papal Registers, Petitions*, i. 159, 178; *Rot. Parl.* ii. 254.

[8] *Cal. Papal Registers, Petitions*, i. 20, 67.

[9] *C.P.R.*, 1345–48, pp. 12, 478; *C.P.R.*, 1348–50, p. 24; *C.C.R.*, 1343–46, p. 662; *C.C.R.*, 1346–49, pp. 55, 67.

[10] The commission in which Offord served in 1343, visiting the king's free chapel of St. Martin le Grand, London, is not evidence on this point (*C.P.R.*, 1343–45, p. 99).

[11] *C.C.R.*, 1346–49, p. 605. In 1349 he took the great seal to the king on the death of his brother (*C.P.R.*, 1349–54, p. 85).

[12] *Cal. Papal Registers, Petitions*, i. 309, 311.

[13] Baldwin, *King's Council*, p. 82. [14] *C.P.R.*, 1343–45, p. 487.

[15] His account for expenses continued until February 24, 1349: he was absent in Spain during 1348, though back in England by November 16. Edward was preparing for a return overseas, however, at this time (*C.C.R.*, 1346–1349, p. 605). [16] *C.P.R.*, 1354–58, p. 576; *C.P.R.*, 1367–70, p. 400.

and was certainly prominent in exchequer work before he was promoted in the chancery. In 1360 it was said to be notorious that Roger and Richard Chesterfield were brothers, writing the tolls and tallies of the receipt of the exchequer; and that in their time they and Robert of Derby their cousin and another clerk under him "of their country and of their assent" during the times of the three last treasurers, every day brought rolls and warrants of the great seal and privy seal to their own dwellings to write tallies, etc., a thing never before heard of.[1] This is a good example, incidentally, of the way contemporaries regarded territorial and personal connections. In 1353 Bartholomew Burghersh, king's chamberlain, had asked for a canonry on behalf of Roger Chesterfield, his clerk,[2] possibly for work rendered by the latter in the exchequer; but his brother Richard was in the employment of Edmund, Earl of Cambridge.[3] Whatever the political leanings of Roger, he evidently followed Edyngton from the exchequer: he was made a clerk of the first grade in chancery in 1360;[4] and he died before November 11, 1367.[5]

Thomas Cotingham the younger, who first acted as a clerk of the first grade in 1362,[6] is a very obscure character. He was acting as an attorney as early as 1336,[7] and the name Cotingham appears on chancery writs as early as 1338,[8] but possibly at this time it was that of Thomas Cotingham the elder, also a chancery clerk, and of the first grade. In 1356 Cotingham was a clerk of the second grade, and in the same year he was made keeper of the chancery rolls in Ireland.[9] He was acting in this capacity in July 1361, but by 1362 he had returned to England, and his name appeared among the receivers of petitions in parliament and reappeared on chancery writs.[10] His activities in the chancery seem to have lasted until 1370.[11]

[1] *C.C.R.*, 1364–68, p. 119. In 1356 Roger Chesterfield was a chamberlain of the exchequer (*C.C.R.*, 1354–60, pp. 83-4, 395). In December of the same year he was described as clerk "remembrancer of J. Bishop of Rochester the treasurer" (*C.P.R.*, 1354–58, p. 443). In November 1358 he was "supplying the place of" the treasurer (*C.C.R.*, 1354–60, p. 528). I have not noticed his name on any chancery writ either before or during the period when he was a clerk of the first grade.

[2] *Cal. Papal Registers, Petitions*, i. 254. [3] *Ibid.* i. 420.

[4] *C.P.R.*, 1358–61, p. 501. By Privy Seal warrant.

[5] *C.P.R.*, 1367–70, p. 24. He had no scholastic degree (*Cal. Papal Registers, Petitions*, i. 514). [6] *Rot. Parl.* ii. 268.

[7] *C.C.R.*, 1333–37, pp. 667, 706, 725.

[8] Inquisitions of *A.Q.D.*, file 246. [9] *C.P.R.*, 1354–58, pp. 430, 432.

[10] *C.P.R.*, 1361–64, p. 49; Chancery Miscellaneous Writs and Returns, 137/13.

[11] *C.P.R.*, 1367–70, p. 336; Inquisitions of *A.Q.D.*, file 371. On January 2, 1374, Thomas Cotingham of Northampton is recorded as a mainpernor (*C.C.R.*, 1369–74, p. 610).

More is known of William Mirfeld, who also appears among the great clerks in 1362. He was a Yorkshireman,[1] who acted as attorney as early as 1341 and received his first living in the church in 1342.[2] His name appears on the chancery records in 1347.[3] In 1362 he became a receiver of petitions in parliament.[4] In July 1361 he first appeared in the employment of the house of Lancaster, as one of the keepers of lands of the deceased Duke Henry.[5] In 1362 he was in the employment of John of Gaunt, and remained closely associated with him in the years that followed.[6] His activities in chancery ceased early in 1375; and the last record of him occurs in a licence to alienate land in Yorkshire in July of the same year.[7]

Master John Branketre, also appearing in 1362, was a clerk of the diocese of Norwich and a notary.[8] Being a public notary he was engaged to serve in the chancery in 1355,[9] one of the few recorded instances of such an appointment; and he was soon extremely prominent in the conduct of diplomatic affairs,[10] drawing up many notarial documents for the king. One of these was made "in hospitio mei Johannis notarii".[11] In 1349 he was described as clerk of the Prince of Wales, who petitioned the Pope on his behalf;[12] and there are indications that he continued to serve the prince after his appointment in the chancery.[13] He was well rewarded by the king for his services at the time of the treaty of Brétigny; and on July 9, 1360, was appointed Treasurer of St. Peter's, York.[14] Despite this it is not clear that he was a clerk of the first grade before 1362, when he received petitions in parliament.[15] He died,

[1] *C.C.R.*, 1354–60, p. 195. The name is probably to be identified with that of Mirfield, a village 2¾ miles from Dewsbury.

[2] *C.P.R.*, 1340–43, p. 353; *C.C.R.*, 1341–43, p. 141.

[3] Inquisitions of *A.Q.D.*, file 283. On the dorse in 1369 (*ibid.* file 367).

[4] *Rot. Parl.* ii. 268.

[5] *Register of John of Gaunt*, ii. 345.

[6] *C.P.R.*, 1361–64, p. 232; *Foedera*, ii. 1026; *Register of John of Gaunt*, i. 24, 80, 102, 141, ii. 90.

[7] *C.C.R.*, 1374–77, pp. 198, 204; *C.P.R.*, 1374–77, p. 126.

[8] *Foedera*, iii. 420.

[9] *C.P.R.*, 1354–58, p. 168.

[10] *Ibid.* p. 183; *C.P.R.*, 1364–67, p. 53; *Foedera*, iii. 420, 444, 494. He witnessed the treaty of Brétigny; and in 1359 the King of France petitioned on his behalf to the Pope (*Cal. Papal Registers, Petitions*, i. 341).

[11] *Foedera*, iii. 932.

[12] *Cal. Papal Registers, Petitions*, i. 164. John Trillek, Bishop of Hereford, also petitioned for him in the same year (*ibid.* p. 181).

[13] He witnessed the marriage between the prince and Joan of Kent: he put his sign to an agreement between the prince and Sire de Albigny in 1360; and his name is recorded on a letter made by the king on behalf of the prince in 1365 (*Foedera*, iii. 511, 626, 766; cf. also *ibid.* 420).

[14] *C.P.R.*, 1358–60, pp. 441, 500.

[15] *Rot. Parl.* ii. 268. He received attorneys on October 20, 1363 (*C.P.R.*, 1361–64, p. 395).

probably, in 1375, and a successor was appointed in chancery the same year.[1]

Richard Ravenser was a Lincolnshire man, with connections both in Lincolnshire and Yorkshire.[2] He first appeared in the records as attorney to Queen Philippa in 1343:[3] he was not described as a chancery clerk until October 1353,[4] though he probably was one before that time;[5] and in 1357 he was made keeper of the hanaper. In 1363 he was promoted to the rank of greater clerk;[6] and both before and after this received numerous promotions in the church, becoming Archdeacon of Norfolk and of Lincoln, and Provost of the church of St. John, Beverley.[7] Besides this, he indulged in the moneylending and trafficking common to most chancery clerks.[8] He was, it is clear, among the richest if not the most important of chancery officials.

But this was by no means due only to his office in the hanaper. He was also receiver and attorney[9] of Queen Philippa, He received rents and debts on her behalf in 1359[10] and again in 1368–1369;[11] and he acted as her treasurer from 1362 to 1367.[12] He was

[1] Chancery Warrants of P.S., 1/446/31096.

[2] *C.P.R.*, 1354–58, p. 472. His brother Robert was, however, described as Robert of Selby (*C.P.R.*, 1391–96, p. 153). Richard, Robert, and a relative named John made numerous grants to the churches of St. John, Beverley, and of Holy Trinity, Kingston on Hull (*C.C.R.*, 1374–77, p. 167; *C.P.R.*, 1377–81, pp. 32, 260, 553, 561-2; *C.P.R.*, 1391–96, p. 153; *C.P.R.*, 1374–77, p. 473). Richard Ravenser founded a hospital in Beverley (*C.P.R.*, 1377–81, pp. 112, 259) and chantries in Lincoln, Leek, and Waltham (*C.P.R.*, 1388–92, p. 427; *C.P.R.*, 1370–74, p. 410). In 1376 Robert of Selby, William Holm, J. Sadington, and J. Lascels of the county of York mainperned for Ravenser's good behaviour (*C.P.R.*, 1374–77, p. 338). [3] *C.C.R.*, 1341–43, p. 250. [4] *C.F.R.*, vi. 378.

[5] He was presented to a number of churches, to one " by the king on the information of Henry Ingelby "—who was at that time keeper of the House of Converts (*C.P.R.*, 1348–50, pp. 205, 267, 285, 309).

[6] *C.P.R.*, 1361–64, p. 280. He received attorneys in chancery some time before he became greater clerk (*C.P.R.*, 1358–61, pp. 319, 446, 513).

[7] He received the archdeaconry of Norfolk in 1359 (*ibid.* p. 231); he was Provost of Beverley by 1360 (*ibid.* p. 470). In the next few years he received the prebends of Trallong in the church of Aberguilly, of Wellington in the church of St. Ethelbert (Hereford), and a prebend in the church of St. Paul's (*C.P.R.*, 1361–64, pp. 77, 103, 135). In 1363 he was made warden of the hospital of St. Leonard's, York; and in 1368 he became Archdeacon of Lincoln (*ibid.* p. 331; *C.C.R.*, 1369–74, p. 81; Le Neve, ii. 44). In 1373 he received also the prebends of Knaresborough-cum-Bickhill in St. Peter's, York, and of St. Martin in Beverley (*C.C.R.*, 1370–74, pp. 156, 376).

[8] *C.C.R.*, 1354–60, pp. 487, 488, 499, 502, 503, 514, 516, etc.; *C.C.R.*, 1360–64, pp. 94, 121, 122, 125, 140, 144, etc.; *C.P.R.*, 1364–67, pp. 50, 86, 211.

[9] *C.C.R.*, 1341–43, p. 660; *C.C.R.*, 1354–60, p. 524; *C.P.R.*, 1354–58, p. 634; *C.C.R.*, 1364–68, pp. 85, 482.

[10] *C.P.R.*, 1358–61, pp. 223, 231. [11] *C.P.R.*, 1370–74, p. 113.

[12] *C.C.R.*, 1360–64, pp. 361, 363, 446, 449, etc.; *C.P.R.*, 1364–68, pp. 28-9, 408, etc.

also in the service of the Queen-Mother, Isabella;[1] and by 1364 he had entered the employment of the king's daughter Isabella.[2] He was promoted in 1363 "in consideration of his good services to the King and Queen Philippa as well as the late Queen Isabella", It is clear that he owed his promotion more to his work outside the office of chancery than within.

He became, however, among the most important clerks of chancery. He was one of the commission that received the seal from the hands of the dying chancellor in 1372; and he again participated in the care of the great seal in 1377. He seems to have kept on friendly terms with the dominant political party during the later years of Edward III.[3] But in 1378 the commons took his part successfully in a disputed election to the archdeaconry of Lincoln.[4] He apparently resigned his position in the hanaper in 1379;[5] but he continued his work in chancery until at least December 1384.[6] He died in May or June 1386.[7] He was the most important of the keepers of the hanaper in the reign of Edward III., but it is clear that this was not due to his work in what was after all a limited and unpretentious office.

William Burstall was the last keeper of the rolls under Edward III. He again was a north-country man, from Burton Joyce in Nottinghamshire.[8] He was a chancery clerk of long standing when he was promoted to be keeper of the rolls; and had received his first living as early as 1338.[9] In 1350 he went on a jubilee pilgrimage to Rome.[10] For nearly twenty years after that nothing

[1] He acted as her attorney (*C.C.R.*, 1354–60, pp. 193, 496); he received her rents from 1357–58 (*C.P.R.*, 1358–61, p. 134); and he administered her goods after her death (*C.C.R.*, 1354–60, pp. 469, 486; *C.C.R.*, 1360–64, pp. 21, 179; *C.C.R.*, 1364–68, p. 431; *C.P.R.*, 1358–61, pp. 101-2, 271).

[2] *C.P.R.*, 1361–64, pp. 484-5; *C.P.R.*, 1381–5, p. 204. It is interesting to find him described in 1371 as "the king's domestic servant" (*C.P.R.*, 1370–74, p. 125).

[3] *John of Gaunt's Register*, ii. 65; *C.P.R.*, 1374–77, p. 354; *C.C.R.*, 1377–81, pp. 107, 108; *ibid.* pp. 117, 461. On September 30, 1376, when John of Gaunt was returning to power after the Good Parliament, Ravenser received a general pardon for debts, etc., but he had to find mainpernors (*C.P.R.*, 1374–77, p. 338).

[4] *C.C.R.*, 1377–81, p. 35.

[5] His successor was described as keeper of the hanaper on July 11, 1379 (*ibid.* p. 323), although Ravenser had held office for life.

[6] *C.P.R.*, 1381–85, p. 487.

[7] He was living as late as May 17, 1386 (*C.P.R.*, 1385–89, p. 103); and a successor to Ravenser, deceased, was appointed on June 12 (*ibid.* p. 193). His will was executed by John Ravenser, his successor in the office of the hanaper (*ibid.* p. 498).

[8] *C.P.R.*, 1338–40, p. 3; *C.C.R.*, 1377–81, pp. 101, 355. He was a brother of John Burstall, who held considerable lands in that county.

[9] *C.P.R.*, 1338–40, p. 3. Other livings were granted to him in 1342 (*C.P.R.*, 1340–43, p. 566), and in 1343, 1345, 1347 (*C.P.R.*, 1343–45, pp. 143, 543; *C.P.R.*, 1345–48, pp. 271, 350).

[10] *C.P.R.*, 1348–50, p. 558.

of interest is recorded of him. It was not until January 20, 1370, that he received attorneys in chancery on his own authority;[1] it was not until 1373 that he first received petitions in parliament;[2] but between the two dates he had succeeded Wollore as keeper of the rolls.

This was in 1371, the first of the political crises which marked the last years of Edward III.'s reign. But there is nothing in his career to connect him with any political party. In the commission holding the great seal in 1371, not he but Walter Power, one of Gaunt's attorneys, was the head; though in a second commission in 1377 he took his rightful place. During these years he was mentioned even less than Wollore had been, in politics or general affairs. He received a few small livings in the church;[3] but his most valuable appointment was probably the wardenship of the *Domus Conversorum*,[4] containing only two converts, augmented in 1380 to four,[5] which he made the great storehouse for the rolls and the ancestor of the modern Public Record Office.[6] His real work is to be found there and in the details of chancery administration, in receiving attorneys and supervising the issue of chancery writs.[7] Here he laboured until old age, and retired at his own request,[8] on September 8, 1381, to continue yet a little while in the lighter duties of the office.[9] It is the lives of men such as Wollore and Burstall that show on what a solid substratum of faithful and consistent service the increasingly efficient machine of administration was built in the later years of Edward III.

Nicholas Spaigne had appeared first in the records in 1343, acting as attorney for the prior of St. Swithun's.[10] He was mentioned little after this, however, until he attained the rank of greater clerk,

[1] *C.P.R.*, 1367–70, p. 342. He had received attorneys in 1363 and 1367 with the licence of David Wollore (*C.P.R.*, 1358–61, p. 395; *C.P.R.*, 1367–70, pp. 37, 40).

[2] *Rot. Parl.* ii. 316.

[3] *C.P.R.*, 1370–74, pp. 115, 122; *C.P.R.*, 1374–77, p. 458; *C.P.R.*, 1377–81, p. 529. In 1381 he was a canon of Lincoln (*C.C.R.*, 1381–85, p. 92).

[4] *C.P.R.*, 1370–74, p. 128.

[5] *Ibid.* p. 128; *C.C.R.*, 1377–81, p. 409.

[6] See *supra*, pp. 57-9.

[7] *C.P.R.*, 1377–81, pp. 8, 9, 13, 19, 26, 53, 57, 60, 101, 113, 155, 171, 265, 267-70, 274, 289, 317-19, 331, 335, 337, 374, 381, 385, 392, 393, 410, 445, 449, 458, 459, 497, 507, 528, 534, 539, 541, 547, 588, 606, 614. In November 1369, on Exchequer Warrants alone, his name appeared on thirty-four writs (Exchequer Warrants, E.404/62). His name was also frequent on writs for Inquisitions *P.M.* and to a less extent of *A.Q.D.* (Inq. *P.M.* Edward III., files 198, 199, 200, 206; Inq. *A.Q.D.*, files 378, 388, etc., usually on the dorse).

[8] Ancient Correspondence, 56/103, September 7. John Waltham, his successor, was appointed on September 8, 1381 (*C.P.R.*, 1381–85, p. 41).

[9] *Rot. Parl.* iii. 87, 98.

[10] *C.C.R.*, 1343–46, p. 122.

probably in 1369 or 1370.[1] In 1371 on the dismissal of Wykeham he was on the commission which had charge of the great seal. There are no clear indications that he was in the regular service of any of the magnates prominent at this time. He died either late in 1374 or early in 1375.[2]

Thomas Newenham was first recorded as an attorney in 1340.[3] In 1348 he received attorneys with the licence of David Wollore and Thomas Brayton.[4] In October 1370 he received them without licence.[5] In 1371 he received petitions in parliament, and he continued from then to be a leading clerk of chancery far into the reign of Richard II.[6]

Robert Wickford had appeared in the records as early as 1351.[7] In 1354 he went overseas, possibly to study law,[8] and in 1359 began his career as diplomatic representative of the crown.[9] He was a doctor both of Canon and of Civil Law,[10] and he soon became a prosperous chancery clerk. He received attorneys in chancery in 1370, and acted as receiver of petitions in 1371,[11] but he still maintained his activities outside chancery.[12] On March 7, 1373, he was appointed Constable of Bordeaux Castle, and held the position until 1375.[13] There is no evidence that on his return he resumed his position in chancery; and in January 1376 he was made Archbishop of Dublin to become chancellor of Ireland on July 18, 1376.[14]

This appointment preceded by a few days the order which superseded William of Windsor as Justiciar of Ireland, and was followed by numerous changes in the personnel of Irish administration. It took place in the midst of the attack by the commons on

[1] In 1358 he received attorneys with the licence of Walter Power; in January 1369 he received attorneys without licence; in 1370 his name first appeared on the dorse of chancery writs; in 1371 he received petitions in parliament (*C.P.R.*, 1358–61, pp. 55, 184; Inquisitions of *A.Q.D.*, file 371; *Rot. Parl.* ii. 303). He was probably promoted therefore before 1371.

[2] *C.C.R.*, 1374–77, p. 77; *C.P.R.*, 1370–74, p. 465; *C.C.R.*, 1374–77, p. 240. But his name appears on chancery writs in 1376 (Inquisitions of *A.Q.D.*, file 388).

[3] *C.C.R.*, 1339–41, p. 495.

[4] *C.P.R.*, 1348–50, pp. 102, 148. In 1355 he received attorneys again with licence of Thomas Brayton, and in 1365 with licence of David Wollore (*C.P.R.*, 1354–58, p. 263; *C.P.R.*, 1364–67, p. 118).

[5] *C.P.R.*, 1367–70, p. 464.

[6] *C.P.R.*, 1388–91, pp. 51, 239, 399, etc.; *C.P.R.*, 1391–96, p. 104.

[7] *C.C.R.*, 1349–54, p. 359.

[8] *C.P.R.*, 1350–54, p. 231; *Cal. Papal Registers, Petitions*, i. 263.

[9] *Foedera*, iii. 853.

[10] *Ibid.*

[11] *C.P.R.*, 1370–74, p. 4; *Rot. Parl.* ii. 303.

[12] *Foedera*, iii. 892, 920, 921, 972, 973.

[13] *Ibid.* 972; *P.R.O. Lists and Indexes*, xi. 42.

[14] *Foedera*, iii. 1047; *C.P.R.*, 1374–77, pp. 240-41; *Foedera*, iii. 1057; *C.P.R.*, 1374–77, p. 300. By K. and C.

John of Gaunt, and might be regarded as part of that attack. This is especially the case since in the supremacy of John of Gaunt which followed, the appointment did not take effect, and had to be repeated in September 1377.[1] It seems clear that Wickford subsequently joined the party in opposition to John of Gaunt: later he was to become attorney of the Earl of March in Ireland.[2] But though he had received his promotion in the chancery under Wykeham, there is no evidence that before 1371 Wykeham was influenced at all by considerations of party politics either in his actions or in any appointments he made in the chancery. The remainder of Wickford's official career was spent as chancellor of Ireland, not without great vicissitudes, due perhaps to his connection with politics,[3] until his death some time before November 1390.[4]

Michael Ravendale was probably the first of the greater clerks promoted after 1371. He received attorneys in his own name in February 1372,[5] and his name appeared on the back of chancery writs in the same year,[6] though it was not until 1376 that he acted as a receiver of petitions in parliament.[7] He can be discerned among the clerks of chancery as early as 1362,[8] but was probably engaged in the office a considerable time before this.[9] Although clearly a chancery clerk, he was described, in 1363, as the clerk of Nicholas Loveyn, knight of the king's chamber, who wrote to the Pope for a living on his behalf.[10] Nicholas Loveyn was governor of Ponthieu in 1369,[11] and it is possible that he blamed the government of the time for the loss of that province:[12] in any case he was in the service of John of Gaunt in 1372.[13] The numerous activities of Ravendale himself cast little further light on his relation to con-

[1] *C.P.R.*, 1377–81, p. 27; *C.C.R.*, 1374–77, p. 21. On July 25, 1376, he seems to have been in office, at least nominally (*ibid.* p. 373). But it is clear that later in the year he was in England (*C.P.R.*, 1374–77, pp. 383, 410).

[2] *C.P.R.*, 1377–81, p. 86.

[3] He was removed from the office after a little over a year of service, but he was restored before 1384. In December of the same year the government in England sent him a letter commanding him to cease "calling together councils and summoning parliaments, laying imposts, granting charters and pardons and charging great fines, etc.". By March 27, 1385, Wickford was again out of office, and back in England (*C.C.R.*, 1377–81, p. 168; *C.P.R.*, 1381–85, p. 455; *C.C.R.*, 1381–85, p. 500; *C.P.R.*, 1385–89, pp. 88, 91, 117).

[4] *C.P.R.*, 1388–92, p. 317.

[5] *C.P.R.*, 1370–74, p. 251.

[6] Inquisitions of *A.Q.D.*, files 378, 379.

[7] *Rot. Parl.* ii. 321.

[8] Chanc. Misc. 137/13. His name, when contracted, is generally not to be distinguished from that of Ravenser. It appears again clearly in 1366 (Exchequer Warrants, E.404/48, 51, 52).

[9] He was presented to several churches before this, the earliest being in 1349 (*C.P.R.*, 1348–50, p. 277).

[10] *Cal. Papal Registers, Petitions*, i. 446.

[11] *Foedera*, iii. 862.

[12] This was an article of accusation against Wykeham in 1371.

[13] *John of Gaunt's Register*, ii. 101. Cf. *ibid.* ii. 277.

temporary politics. He was frequently associated with, and was the executor of, David Wollore.[1] He retained his office in chancery far into the reign of Richard II. By October 1391 he was dead.[2]

Very little is known of the clerk Simon Multon, who was promoted to the first grade in 1372.[3] He had not apparently acted as a chancery clerk before this: indeed, in 1366, 1367, and probably for some time later, he was still working at Cambridge,[4] where he ultimately became Doctor of Canon Law.[5] On July 21, 1372, the king had granted him £50 yearly from the exchequer: [6] in 1374 and 1375 he made a promising beginning to a diplomatic career by taking part in the negotiations with the Pope and with France; [7] but by 1376 he had died.[8]

Henry Coddington was one of the few chancery clerks of whose promotion there is definite record. It occurred on March 8, 1375,[9] when he had apparently been long employed in the office. It is just possible that it was he who had petitioned the king in 1337, "an apprentice of our Lord the king" and an attorney, against compulsory military service.[10] But he appeared rarely between these dates.[11] He probably came from Coddington in the county of Nottinghamshire.[12] He was associated on various occasions with Thomas Roos of Helmsley,[13] and in 1369 and 1371 he was attorney of William Hamsterley,[14] both of whom were in 1373 in the service of John of Gaunt,[15] the latter being then serving also under William of Windsor in Ireland.

[1] *C.P.R.*, 1370–74, p. 61. [2] *C.P.R.*, 1385–91, p. 492.

[3] The king granted him that estate for life on August 12, 1372, John Knyvet having made him a clerk of the first grade. The suggestion in the king's grant is that Multon's promotion had just taken place (*C.P.R.*, 1370–74, p. 193). Dr. Workman (*John Wyclif*, i. 241) has described him as "Simon de Multon, D.C.L.—from Multon or Moulton, the name of two villages, one in Suffolk, the other in Lincolnshire", but has given no reference. I have not been able to discover any clear evidence as to the place of his origin.

[4] In 1366 he was a B.C.L. and still at Cambridge: in 1367 he was described as a Licentiate in Civil Law (*Cal. Papal Registers, Petitions*, i. 512; *Cal. Papal Registers, Letters*, iv. 64). [5] *Ibid.* iv. 144.

[6] *C.P.R.*, 1370–74, p. 187. [7] *Ibid.* p. 462; *Foedera*, iii. 1024, 1026.

[8] *Cal. Papal Registers, Letters*, iv. 226.

[9] *C.P.R.*, 1374–77, pp. 81, 82. [10] *Rot. Parl.* ii. 96.

[11] The name Coddington appears frequently on chancery writs, but it is not certain that it is Henry Coddington's.

[12] *C.P.R.*, 1389–92, p. 462.

[13] *C.C.R.*, 1368–74, p. 394; *C.C.R.*, 1381–86, p. 488; *C.P.R.*, 1385–89, p. 149.

[14] *C.P.R.*, 1367–70, p. 248; *C.P.R.*, 1370–74, p. 162.

[15] *John of Gaunt's Register* ii. 38; i. 32, 35. Coddington was also attorney (in 1362) of John de Bohun, the same possibly who accompanied John of Gaunt overseas in 1373 (*Register* i. 33-34; *C.C.R.*, 1360–64, p. 337). His fellow-attorney on this occasion was Thomas Thelwell, a man completely identified with John of Gaunt.

Thomas Thelwell first appeared among the greater clerks in 1376. He was from the Duchy of Lancaster,[1] acting as an attorney as early as 1359.[2] On April 28, 1376, he received attorneys in chancery,[3] and in the same year he was a receiver of petitions in parliament,[4] and his name appeared on the dorse of chancery writs; [5] though before that date he had not been definitely described as a chancery clerk, nor had his name appeared on those chancery records that I have observed. However, he was unmistakably a chancery clerk of the first grade in 1377 (April 28), when he was described as such, and allowed to become chancellor of the Duchy of Lancaster whilst retaining his place in the king's chancery.[6] He retained this position in the service of John of Gaunt at least until 1379.[7] He was unmistakably a political adherent of the new Lancastrian party; but a glance at other indications of his political sympathies might be instructive as indicating the weight that is to be given to this type of evidence. In 1369 he accompanied William of Windsor to Ireland,[8] and in the same year was nominated attorney there of the Earl of Pembroke.[9] In August 1372 he was attorney for William Tamworth, who accompanied John of Gaunt overseas at that time.[10] Others with whom he associated cannot be identified so easily, and his name is not even mentioned in the published part of John of Gaunt's Register; but he was among those most closely connected with the duke.

Peter Barton first received petitions in the parliament of 1376,[11] but he was possibly a greater clerk a considerable time before this.[12] Nothing is known of him, though he continued in chancery throughout the later years of Edward III., and a Peter Barton was receiving attorneys in 1394 and 1395.[13]

Richard Tissington, who also first received petitions in 1376,[14] is equally obscure. His name had appeared on the chancery writs as early as 1340,[15] and he had received attorneys in 1373.[16] In 1381 he was granted £10 yearly from the hanaper "in consideration of his great age and only moderate promotion." [17] He was then described as lately one of the greater clerks of chancery. He was

[1] *C.P.R.*, 1354–58, p. 491. The only parish of the same name is that of Thelwell in the county palatine of Chester.
[2] *C.P.R.*, 1358–61, p. 281.
[3] *C.P.R.*, 1374–77, p. 260.
[4] *Rot. Parl.*, ii. 321.
[5] Inquisitions of *A.Q.D.*, file 388.
[6] *C.P.R.*, 1374–77, p. 455.
[7] *C.P.R.*, 1377–81, p. 350.
[8] *C.P.R.*, 1367–70, p. 224.
[9] *Ibid.* p. 226.
[10] *C.P.R.*, 1370–74, p. 193; *John of Gaunt's Register*, i. 32.
[11] *Rot. Parl.* ii. 321.
[12] He received attorneys as early as February 1368 (*C.P.R.*, 1367–70, p. 82).
[13] *C.P.R.*, 1391–96, pp. 510, 557.
[14] *Rot. Parl.* ii. 321.
[15] Inquisitions of *A.Q.D.*, file 252; *ibid.* file 256 (1341), file 276 (1345) etc.
[16] *C.P.R.*, 1370–74, p. 354.
[17] *C.P.R.*, 1381–85, p. 48.

closely associated with Roger Chesterfield,[1] a clerk of the same office and Richard Chesterfield his brother, and probably came from the same district, where there was a parish of Tissington, $3\frac{3}{4}$ miles from Ashbourne.

John Freton was still another clerk who first received petitions in the parliament of 1376, but who had received attorneys as early as July 1370.[2] He came from Norfolk;[3] and he was the only chancery clerk in the confidential employment of Alice Perrers.[4] He was also attorney of William of Windsor.[5]

John Bouland was the last of the chancery clerks who was first a receiver of petitions in the Good Parliament.[6] He was a Yorkshireman,[7] but is also described as a public notary of the diocese of Carlisle.[8] He had been presented to his first living in 1361,[9] and had gone overseas in 1367.[10] Nothing further of interest regarding Bouland is recorded until February 14, 1376, when he was granted an annuity of twenty marks.[11] However, on October 4, 1376, the chancellor was commanded to revoke this grant, and further, to remove Bouland from his position in the chancery.[12] There is no record of this being done; on March 11, 1378, the king confirmed the original grant, Bouland being "retained" in his place in chancery.[13] Somewhat earlier, it is worth noting, both the presentation to a living (February) and an exchange of livings (July) which had just been negotiated, on the part of Bouland, had been revoked,[14] the one on May 25, the other on August 5; the latter, however, being finally carried out in December of the same year.[15] It is unfortunate under these circumstances that the attitude of Bouland towards the political events of the period is completely obscure.[16]

The clerk who possibly supplanted Bouland, and the last great

[1] *C.P.R.*, 1361–64, p. 165; *C.P.R.*, 1367–70, p. 451; *C.C.R.*, 1374–77, pp. 68, 72; *C.C.R.*, 1369–74, pp. 95, 550-1. [2] *C.P.R.*, 1367–70, p. 453.

[3] *C.C.R.*, 1369–74, p. 423. Possibly to be identified with Fritton, County Norfolk.

[4] *C.P.R.*, 1374–77, p. 367; *C.P.R.*, 1377–81, p. 105; *C.C.R.*, 1381–85, p. 212; *C.P.R.*, 1381–85, p. 334.

[5] *C.P.R.*, 1370–74, p. 416. Also of John Brett, knight, who went to Ireland with William of Windsor (*ibid.* p. 425).

[6] He received attorneys on October 4, 1376 (*C.P.R.*, 1374–77, p. 330).

[7] *C.C.R.*, 1377–81, p. 322. [8] *Ibid.* p. 257.

[9] *C.P.R.*, 1361–64, p. 76. [10] *C.P.R.*, 1364–67, p. 383.

[11] *C.P.R.*, 1374–77, p. 246. He first received attorneys on October 4, 1376 (*ibid.* p. 338), and first received petitions in this year. Perhaps this grant was on the occasion of his promotion.

[12] Chancery Warrants, I./447/31096. [13] *C.P.R.*, 1377–81, p. 145.

[14] *C.P.R.*, 1374–77, pp. 260, 275, 302. [15] *Ibid.* p. 406.

[16] The township of Bowland was in the Duchy of Lancaster, nine miles west from Clitheroe. The lordship of Bouland belonged to the Duke of Lancaster (*Register*, ii. 346).

One other scrap of evidence with regard to Bouland is worth preserving.

clerk to be promoted under Edward III., was Walter Skirlaugh,[1] who was destined for a brilliant career under Richard II. He was a Doctor of Laws,[2] graduating on November 30, 1370, at Oxford.[3] He was not mentioned as a chancery clerk until his appointment as a greater clerk was commanded on October 4, 1376,[4] when he received a grant of forty marks a year. This grant, however, was not carried out until March 1377.[5] He also was a Yorkshireman, hailing from South Skirlaugh, eight miles from Hull.[6]

Section II

The first outstanding fact about the greater clerks under Edward III. to be found is the districts from which they were drawn. If we exclude the Stratfords and the first three clerks on the list, out of a total of forty-four, seven were probably from Yorkshire, five from Lincolnshire, three from Lancashire, five from Nottinghamshire, two, perhaps three, from Northumberland, two from Norfolk, whilst the origin of at least twelve is uncertain. Robert Chigwell came from Chelsea, Thomas Evesham from Worcestershire, and John Gogh from Wales; but except for them, not a single chancery clerk came from the south of Norfolk. No other explanation for this offers itself, except that of a strong local influence on the appointment of chancery clerks, an influence probably to be found, under both Edward II. and Edward III., in the house of Lancaster, and a closely connected group of northern lords.

The second fact of exceptional importance is the continuous evidence of a close connection between the leading chancery clerks and the political and baronial leaders of the period. Henry

---

In the files of Chancery Warrants (Bills of P.S., file 970) is one dating from December 28, 1375.

"Soit le parlement sommons destre a Westm' le XII iour de Ffeverer prochain venant."

"Soient briefs faitz de la liueree des temporaltees levesque de Saresbirs a meisme Levesque desouz la date du XXVIII iour de Decembre Lan XLIX.

"Soient briefs faitz a les arraiours de gentz darmes archers et hobelours en touz les Contees dengleterre qe a toute haste qe faire se purra ils les facent mettre en array chescun selonc lafferant de son estat siqils soient prestes pur servir le Roy de guerre quant ils serront garniz."

A nostre cher et fial Johan Knyuet nostre Chanceller.

[Dorse.] Memorandum quod ista billa signata cum privato sigillo domini Regis XXVIII die infra scripta post horam vesperarum liberata fuit Johanne Knyvet Cancellario ex parte ipsius Regis per Johannem de Bouland clericum de Cancellario.

This is the original command for the summoning of the Good Parliament.

[1] He received petitions in the parliament of 1377.

[2] *C.P.R.*, 1374–77, pp. 410, 438.

[3] *D.N.B.* (Tait).

[4] Chancery Warrants of P.S., Series I. 446/31096.

[5] *C.P.R.*, 1374–77, p. 438.

[6] *D.N.B.* (Tait).

Edwinstow, appearing among the great clerks in 1329, was associated closely with the predominant political party of that time. John Thoresby, appearing in 1340, was closely attached to the house of Lancaster, Thomas Sibthorp in 1343 had been faithful to the Despensers and Robert Baldock, and was true to their memory far into the reign of Edward III. Walter Power was constantly in the service of Henry of Lancaster; John Gogh (*c.* 1350) was the clerk and attorney of Guy de Brian. Henry Haydock (*c.* 1353) was taken into the service of Henry, Duke of Lancaster, whilst he retained his place and rank in the chancery of the king. John Branketre (*c.* 1362) was specially in the service of the Prince of Wales. Thomas Thelwell (*c.* 1376), became chancellor of the Duchy of Lancaster in 1377, whilst retaining his place in the king's chancery, whilst John Freton (*c.* 1376) was a confidential servant of Alice Perrers. It will be seen that the interests of all the greatest political parties or baronial houses were represented in the different chancery clerks. And, whilst it is impossible to give precise figures, it is also evident that the interests of the house of Lancaster were most adequately represented of all. It was the same influence which was responsible for the origin of so many chancery clerks being in the north.

The third fact is that the most important changes in the personnel of the chancery clerks seem to have occurred at the time of the greatest political strife. The receivers of petitions in parliament perhaps illustrate this most. In 1332 (the first year for Edward III.), the receivers were Edwinstow, Bamborough, Evesham, Blebury, and Brayton, all old clerks of chancery. Receivers of petitions are not recorded again until 1340, when Bamborough, Evesham, and Brayton re-occur. Blebury was possibly dead, and Edwinstow was too infirm. The new receivers were Thoresby, Wath, Langetoft, and Henry Stratford. In contrast with this the receivers greatly changed between 1340 and 1341. Michael Wath, Thomas Bamborough, John Thoresby, J. Langetoft, and Henry Stratford were not reappointed in 1341;[1] the newcomers being John Wodehouse, Edmund Grimsby, John Marton, Elias Grimsby, and Robert Kelleseye. The next change comparable to this occurred in 1371, at the time of the second political crisis of the reign. Then Richard Ravenser, Nicholas Spaigne, Thomas Newenham, and Robert Wickford appeared instead of David Wollore, Thomas Cotingham, and J. Coddington, who had acted in 1369.[2] The newcomers are not, however, to be

[1] Thomas Bamborough was dead, and J. Thoresby had become keeper of the rolls.

[2] David Wollore died in 1371. The careers of both Thomas Cotingham and J. Coddington are doubtful at this point.

identified with the political party of Pembroke or John of Gaunt. But the greatest change occurred in 1376. Ravenser, Power, Spaigne, Multon, and Mirfield were dropped from the list of receivers between 1373 and 1376,[1] whilst Freton, Tissington, Ravendale, Barton, Bouland, and Thelwell appeared in 1376, receiving petitions in parliament for the first time. Most of the former, it is true, were not available in 1376: the chronicler of St. Mary's Abbey, York, was apparently strictly correct in declaring that "plusours vaillaunt clerkes de la chauncelrie" died of the plague in 1374;[2] but of the new ones it is interesting to notice that John Freton was closely associated with Alice Perrers, whilst Michael Ravendale was probably, and Thomas Thelwell was certainly, a supporter of John of Gaunt. In the last parliament of Edward's reign (which was packed) Richard Ravenser reappeared among the receivers of petitions, and Walter Skirlaugh first appeared; Richard Tissington lost his place, though still active in chancery, as did Thomas Thelwell, who was possibly already serving John of Gaunt.

What then was the probable influence of political developments under Edward III. on the leading clerks of the chancery? On the whole it seems to be established clearly that patronage and political influence continued to affect the appointment and promotion of chancery clerks—probably increasingly—throughout the reign. On the other hand, however, it is to be observed that the only political crisis in which chancery clerks were directly and prominently concerned was that of 1340, in the early part of the period. It is quite clear that political influences in the chancery were not less in 1376 than in 1340—an examination of the lists of greater clerks in these years is conclusive on this point—but it seems probable that not only was the chancery as a whole less involved in the later struggle, but that, in the interval, the position of chancery clerks as a whole in regard to politics had undergone some change. And this was chiefly expressed perhaps in a change in their relations to the council.

The relations, both of the chancellors and the chancery as a whole, to the council, have already been discussed. But there still remains an important problem in the varying position in the council of the leading chancery clerks. This, as in the case of the chancellors, involves a study of the council personnel. Some repetition is unavoidable, but on the whole the study, in this case, is approached from a different point of view. There is reason to

[1] Richard Ravenser was still important and active in 1377. Walter Power does not appear in the records after 1375 (*C.C.R.*, 1374–77, p. 231). Nicholas Spaigne died either in 1374 or 1375. Simon Multon was dead by 1376. And William Mirfield last appeared in 1375. [2] *The Anonimalle Chronicle*, p. 77.

believe, we have seen, that Edward III., after the first few years of his reign, relied more and more on a council composed predominantly of magnates, and largely of the baronial supporters of his constant wars. What the effect of this was on the council personnel as a whole it has not yet been necessary to ask, nor its effects on the chancery, except in the case of the chancellors themselves. But it is certain that the leading chancery clerks also had a place, at times, among the council personnel, and it is clear that they were greatly affected by the attitude of Edward III. Their exact position in the changing council of Edward III. is an exceedingly obscure problem—like most questions concerning the council before the reign of Richard II.—but one that has an importance which forbids it being left altogether out of account.

The development of the council was of the greatest importance in the administrative history of the fourteenth century. Besides a general restriction and definition of its members during this period, there occurred at the same time an elimination of justices and officers of the two great departments of state from normal attendance at its meetings. From being so prominent in the first years of the century that Edward I. could attempt to build up a council chiefly composed of them,[1] these officials so far lost their position by the end of Edward III.'s reign that by that time "only the chancellor, treasurer and keeper of the privy seal" of the administrative officers of state were recognised as normally attending.

The process of this elimination fell clearly within the limits of, and seems to have been greatly influenced by, political events in the reign of Edward III. And of these events the crisis of 1340 seems to be easily the most important. It was the last great political occasion in the reign when justices and lesser officers of state administration were prominent among the members of the council; and it probably resulted in extensive changes in the composition of the king's council, in which the officers of state administration were closely involved. And these changes seem to have had a permanent influence, at least on the position in this body, of the leading chancery clerks.

Of the general effect of politics on the council at this time it has

[1] Cf. the corresponding development in France; O. Morel, *La Grande Chancellerie royale*, pp. 20-21: "une nouvelle tradition . . . parvint à se fixer pendant le premier tiers du XIVe siècle: les seigneurs, prélats, barons, grands du royaume, furent bien encore admis dans les Conseils, mais à titre purement honorifique: ils finirent par n'y être plus appelés que dans les circonstances exceptionnelles, lorsqu' on tenait des assemblées plénières et très solennelles. La direction effective d'abord, officielle enfin, finit par être confiée à des professionnels, à des hommes que leur instruction, leur valeur personnelle, leur carrière passée, désignaient pour ces hautes fonctions."

been said[1] that "the composition of the council as between the great men, the king's 'natural councillors', and the knights and clerks through whom . . . he had habitually done his work, was one of the standing political questions of the fourteenth century". Whilst this is true in the main, it is important to remember that not only were the officers of state administration—an important element of the council—usually, in the early years of the century in sympathy with the barons, whilst the common enemy of both was the courtier and the household clerk, but that during the early years of Edward III.'s reign the old antagonism between the barons and the household clerk and the courtier had largely died away. It was Edward III.'s achievement to unite all three in his support in a spirited attempt to renew the aggressive foreign policy of his grandfather. This had left the traditions of Lancastrian constitutional opposition almost a monopoly of the great departments of state. Accordingly the chief motive for the great crisis of 1340–41 is found to be, not the opposition of the barons to the clerks and knights of the household as in the days of Edward II., but the opposition of the *secretarii*[2] including barons as well as courtiers, to the *Officiarii in magnis officiis ministrantes*; and these latter mainly consisted of the Stratfords and their supporters in the offices of state.

It was this which contributed largely to the ease with which Edward was able to sweep the Stratfords from office. They seem to have been quite unsupported, at the beginning of the quarrel, by any influential section of the barons; they were not only removed from office, they were excluded, for a time at least, from all connection with the government. But the chief, almost the only, support of the Stratfords lay in the officials of the great departments of the state, primarily of the chancery. Thus the regrouping of political parties which had preceded, and to some extent given occasion for, the crisis, caused the issue, as far as the council was concerned, to be between these officials on the one hand, and almost all the rest of the council on the other. For the first time in the fourteenth century, the former had to face a combined political opposition of the courtiers, the household clerks, the barons, and the king. They naturally shared the disgrace of the Stratfords, and there is some evidence that this affected their position, along with the Stratfords, on the council. Almost the whole of Stratford's famous letter to Edward, in January 1341[3] was filled with the theme that the king was taking council from wrong advisers: by so doing he would lose the affection of his people, though his new councillors, "ceaux

[1] *E.H.R.* xxx. 8. Mr. Lapsley discusses, in this relation, the general results of the crisis of 1340; but he does not estimate its effects upon the council itself.

[2] Avesbury, *De gestis mirabilibus Regis Edwardi Tertii* (R.S.), pp. 323-4. Cf. Tout in *J.R.L.B.* viii. 1, p. 91.

[3] Avesbury, pp. 324-7.

qe ore se fount governours et counseillers pluis avaunt qe lour estat lour done".[1] assured him otherwise. The king in his reply[2] pointedly attacked "prefato archiepiscopo et aliis consiliariis nostris sibi adhaerentibus", and "[archiepiscopi] et ceterorum officialium quos in eius concillio super regni negotia constituimus". Murimuth too, though his words must be interpreted with caution as being highly conventional, sums up the changes that occurred as, "et consilio juvenum utebatur spreto consilio seniorum".[3] And the *French Chronicle of London* has a circumstantial story of how the whole crisis had been precipitated by a sworn member of the council who revealed the duplicity of his fellow-councillors in England to the king.[4]

The crisis of 1340 therefore, we can assume, was partly worked out in the council. There is little doubt that those ministers dismissed in 1340 who were also members of the council lost their positions there as a result of their disgrace; but the extent of the rearrangements which resulted from this can only be conjectured at present from the much-discussed and doubted anti-clericalism of Edward III.

This has always been somewhat of an enigma. There is the

[1] Cf. Baldwin, *King's Council*, p. 83. Professor Baldwin quotes this as being aimed at the professional men who were members of the council. But Stratford certainly did not mean it to include either the clerks of chancery or that section of the justices who were suffering with him from the attack of the new council. His complaint was not part of that opposition to the officials which ultimately eliminated them from the council, but exactly the reverse.

It is usually assumed that, in this letter, Stratford was expressing the old Lancastrian tradition of baronial opposition to the crown. Thus Miss Hughes in *The Early Years of Edward III.*, p. 121, says: "This letter was emphatically an appeal for a baronial council, as opposed to one which contained the royal clerks and secretaries; dictated in the spirit which in Henry II.'s reign had criticized the advisers whom the king 'raised from the dust'" etc. It is perfectly clear that it was part of the appeal which both the king and Stratford made to the public; in particular, that it was a bid for support—which Stratford later obtained—from a section at least of the "great men" of the realm. Thus Stratford constantly refers to the advice which Edward ought to take, "des prelatz, piers, grauntz et sages du consail", from "voz prelatz, grauntz et toutz les sages de vostre terre". But on the other hand the council to which Stratford was looking back was also one in which clerks and professional men had not only been present, but had been prominent. It is worth noting that even in this appeal he carefully associates the *sages du conseil* and the *sages de vostre terre* with the "great men". He was appealing to the barons but not primarily on behalf of a baronial council.

[2] Avesbury, pp. 330-6.

[3] Murimuth, *Continuatio Chronicarum* (R.S.), p. 118.

[4] According to the account of the *French Chronicle of London* it was a sworn member of the council in England, who knew and kept a record of all their deliberations, who suggested to Edward that "reins luy vaudroit plus des lettres a eux maunder", but that he should come and cast certain persons in prison (Camden Society, p. 83).

strongest evidence that it existed, both by the well-known oath in the chronicle of London, " le roy jurra sont serment qe jammès en sen temps ne serreit homme de seinte eglise son tresorer ne chaunceler ne en autre graunt office qe au roy apent, mais tieles persones qe si jammès de fausine fuissent atteintz q'il les porreit faire trayner pendre et descoler ", and in Hemingburgh,[1] " Non clericos immo seculares ad placitum suum substituit ". The king himself plainly showed that it was real and effective by his appointment of a lay chancellor and treasurer during the crisis. But these are the only two administrative changes recorded in which the king's anti-clericalism was clearly expressed; whilst except for these two there is no recorded appointment of laymen instead of clerics on the council.

The obvious contrast between this and the situation described by Hemingburgh and the Chronicle of London has given rise to doubts as to the genuineness of the attitude adopted by the king, if not as to the reliability of the chronicles themselves; and Professor Tout has recently warned us against overstressing the anti-clericalism that existed both in 1340 and 1371.[2] Yet the records themselves, in 1355, afford evidence in support of the anti-clericalism of Edward III. at a later date, and it is obviously dangerous to over-emphasise the negative evidence of the records in 1341 at the expense of the clear and explicit assertions of the chronicles. Finally, whilst the chief changes in administration have now been at least partially worked out, it must be remembered that we still know little or nothing of what occurred on the council. It can hardly be doubted that changes here were extensive, if from political considerations alone; and if the limited number due to anti-clericalism in administration cannot reasonably be reconciled either with the statement by Hemingburgh, or with the sweeping nature of Edward's oath, that is all the more reason for stressing the importance of the changes that took place on the council. Here Edward was free from some of the more obvious limitations that restricted his freedom of action in administration. If he could not with safety replace by laymen the clerics who still filled most of the important offices in his civil service, he was free in 1341 to seek, and he was fortunately in a position to obtain, advice and council where he would.

A glimpse of the effect of the crisis of 1341 on the council is perhaps afforded by Murimuth[3] in his description of a meeting in 1341, " habuit rex concilium comitum multorum Londoniis "; or in the " scheme for the reconstruction of the council ", in the same

[1] Hemingburgh (R.S.), ii. p. 363.

[2] " It is easy," he says, " to make too much of it, as I suspect both Stubbs and Maitland did " (*J.R.L.B.* viii. 1, p. 98).

[3] Murimuth, p. 121.

year, suggested by Baldwin,[1] from "a letter which seems to be the expression of a league or group of Lords, who bound themselves by oath loyally to council the king". The preponderance of the lay element in the council in 1341 is plainly visible in the election of John Thoresby to be keeper of the rolls in February of this year at Woodstock "in magna camera sua, juxta capellam privatam, ubi concilium suum tunc extitit, in praesentia dominorum Willielmi de Monte Acuto Sarum et Roberti de Ufford Suffolciae comitum, Roberti de Burghcher cancellarii ipsius domini Regis, et Willielmi de Kildesby, custodis privati sigilli ejusdem domini Regis, ac aliorum quam plurium tam nobilium quam aliorum".[2] In the same year Edward himself, in a letter to John Stratford on October 1, significantly asserted that he had declared void the concessions he had made to the parliament of 1341 "with the consent of the earls, barons and other skilled persons", omitting the clerics.[3]

The real problem is to determine how far this anti-clericalism extended. It is certain that the officials dismissed from office in 1341 were dismissed from the council, but it is almost certain that there were also more extensive changes than this. The king's attitude affected the whole class of clerical ministers who still almost monopolised the two great offices of state; but it did not affect all sections alike. It was impossible, in 1341, for Edward to alienate the support and refuse the services of his great prelates for long. Edward and Stratford, at least, were soon reconciled, according to Birchington,[4] "Postmodum post dies paucos Dominus Rex resumpsit eundem Archiepiscopum . . . ad suum Privatum Concilium; et factus est ei principalis Consiliarius in agendis anno Domini 1342"; and the last of the lay chancellors, the greatest visible sign of the king's anti-clericalism, was succeeded by a cleric in 1345.

It is not in this direction that the most permanent or even perhaps the most sweeping changes of 1341 are to be sought. The real sufferers were in all probability the minor officials of state, the clerics who had no real protection against the king's anger, who could not be superseded in administration but who could be easily spared from the councils of the king. The chancery clerks in particular had been most closely associated with the Stratfordian opposition to the crown prior to 1341. John Thoresby seems to have been the only prominent chancery clerk who had served the

[1] Baldwin, *King's Council*, p. 99.
[2] *Foedera*, ii. 1151.
[3] *C.C.R.*, 1341–43, p. 335.
[4] *Anglia Sacra*, i. 41. Murimuth states that Edward and the archbishop were reconciled in October 1341 (*Continuatio chronicarum*, p. 122; cf. *ibid.* 125, 147).

king abroad.[1] Stratford himself declared during the crisis that they were being especially attacked: "quod Concilium Regis ipsos clericos de Cancellaria artare voluit ac etiam illos de Clero ad Parliamentum Regis".[2] And we can reasonably assume that for them the crisis of 1341 meant an exclusion from the council which may never have been relaxed.

Edward III.'s anti-clericalism of 1341 was chiefly directed therefore, it would appear, against the clerical members of his council, but it proved far more permanent in its effects on the less important administrative clerks than on the great prelates whose opposition to Edward's policy had really been its cause. Thus it is not surprising to find Professor Baldwin choosing 1341 as a year of extensive changes in the composition of the council: "from the reign of Edward III.", he says,[3] "and so far as we can judge, from his fifteenth year, it is clear that justices and other officers of similar rank, ceased, as a class, to be sworn of the council, though they were still constantly summoned to attend its proceedings". It is not easy to see how justices were adversely affected by the crisis of 1341: they profited as much as they lost, as a class, by the chief changes which occurred: they still had to take the oath loyally to counsel the king in 1346,[4] and they appear prominently on various lists of council members, though of course they may not have been sworn among the councillors, at a later date than this.[5]

[1] Cf. a list of names sent by Edward from Antwerp on July 25, 1338, of those in his company whom he wished to receive additional livings in the church as soon as possible (Chancery Warrants of P.S., I./248/11262). They were: Philip Weston, Thomas Hatfield, Walter of Wetewang, Reynold of Ponynor (crossed out), John of Marcham (interpolated), Thomas Cross (crossed out), Richard Nateby, William of Reteford, John Thoresby, Robert Askeby, John Grimsby, John Wawayn, John Charnels, John Scot, Richard Murimouth, Robert Watford (interpolated), Aleyn Kellum, Robert Kingston, William Wakyngford, William Madenston, William Gryston, Thomas Gaddeby, Ralf Brantingham, Thomas Saltesham, Henry Graystok (crossed out, and *vac. est*), Robert Kildesby, William Dalton, John Wynwyk, Richard Retteford. Very few of these were chancery clerks.

Robert Chigwell, one of those dismissed in 1340, had also been abroad with the king (Exchequer Warrants, E.404/25).

[2] Birchington in *Anglia Sacra*, i. 22. [3] Baldwin, *King's Council*, p. 76.

[4] *Statutes of the Realm*, i. 305. "Vous jurrez . . . qe loialment conseillerez nostre dit Seigneur le Roi en ses busoignes" etc.

[5] In 1345, for instance, in a case in chancery, John de Stonore and William Shareshull (both removed from office in 1340) were present. The council, at the beginning, consisted of "John, Archbishop of Canterbury, R. Bishop of London, W. Bishop of Norwich, Richard Earl of Arundel, William Clinton Earl of Huntingdon, Bartholomew Burghersh, and justices, and others of the council". In 1346 the council on one occasion was given as the Chancellor, John Stonore, Robert Sadington, Richard Willoughby, William Shareshull, William Thorp, William Basset, John Stonford, Roger Bankwell, Robert Thorp, and William Norton; almost all of these being justices. The same is

But with regard to the clerical members of the council it is at least substantiated by all the evidence there is. In the case of chancery clerks at all events, the crisis of 1340 seems to mark a new phase in their relations to the council. It is certain that after this time they never appear as normal members.[1] It is extremely rare for their names to appear on the lists of councillors at all. In 1346, in their oath of office, they swore, unlike the justices, only to counsel the king when specially summoned.[2] They were not only temporarily excluded from the council in 1341, we must assume: they never again obtained a real place amongst its members, at least under Edward III. Their office after 1341 becomes less political and more administrative, more restricted, as for example, in the case of William Burstall, to purely departmental work. The inevitable specialisation of function which in the middle ages lay in wait for every official, however closely he began in the unspecialised confidential service of the king, ultimately made its conquest even of the officers of the great seal itself. The office of chancery was becoming more distinct from all other offices of administration, from the two benches, from the household, even from the council; and chancery clerks also were losing something of that service which knew no limitations save the administrative requirements of the crown. Political influences in all probability hastened a process which was in line with some of the widest political developments of the time; but at the bottom it was an administrative change, and its chief result perhaps was the encouragement of the administrative-judicial growth of the equitable jurisdiction of chancery.

Thus the chancery clerk, as well as the chancellor and the chancery itself, was in a process of transition in the fourteenth century, a process which was surely, though almost imperceptibly,

---

the case on a list of 1363. In no case does a chancery clerk appear (*C.P.R.*, 1345–48, p. 137; Parliamentary Proceedings, Chancery, 7/21; (*C.P.R.*, 1361–64, p. 375). Cf. an earlier list of 1315 in *Rot. Parl.* i. 355. Professor Baldwin discusses the point at some length (*King's Council*, p. 77), but cf. Professor Pollard in *The Evolution of Parliament*, p. 292, *n.* 1: "This statement is subject to considerable reservations; it can only mean that judges ceased to be political advisers of the king. They remained his legal councillors, and the two chief justices were, as a matter of fact, sworn of the privy council in the sixteenth century."

[1] One of the few instances in which a chancery clerk may have been a member of the council, after 1341, was that of Andrew Offord in 1345; but there is no clear evidence that Offord was a chancery clerk and member of the council at the same time (*C.P.R.*, 1340–43, p. 335). David Wollore, keeper of the rolls of chancery, was a member of the council in 1369.

[2] *Statutes of the Realm*, i. 306. "Et loialement [concelerez] les choses que touchent le Roi quant vous serrez requis". MS. Harl. 4871 gives "counseillerez".

revolutionising his position in administrative affairs. Exclusion from normal membership of the council was the last and decisive step leading away from the position of the old unspecialised servant of the crown and from the all-embracing functions of the official of the earlier chancery. The chancery clerk was not only becoming now more specialised in his work, he was confining his activities more to administrative and less to purely political affairs: he was becoming modern not only in his specialisation, but in the distinction he was beginning to make between administration and politics in the modern sense.

Not that political influences were even diminishing in the changes which occurred in the chancery personnel. Such influence was, indeed, an almost inevitable adjunct to political power in the circumstances of the time. The chancery clerks may still, as a matter of fact, have played an important part in determining the course of political events in moments of uncertainty or evenly balanced strife. In any case the ramification of political intrigue in the middle ages touched every aspect of the national existence. To imagine an office of administration not permeated with its subtle influence is to imagine an office already far out of touch with the national life, and whatever faults were apparent already in the chancery in the reign of Edward III., it was still, in administration, the great heart of the nation, pulsating with a vigorous, rich, and varied life. The chancery clerks were still important for the political leaders in the latter half of the fourteenth century, but they had already entered on the path leading to administrative isolation from political affairs; indeed, in the not very distant future, to an isolation from many of the most important governmental activities, in which they still, under Edward III., played such a distinguished part.

APPENDIX I

THE *VICECANCELLARIUS* AND THE CARE OF THE GREAT SEAL UNDER RICHARD AND JOHN

Professor Powicke's suggestion is that the *vicecancellarius* might have charge of the great seal and be independent of the chancellor. Before examining this it is perhaps wise to collect what scanty information there is with regard to this official and his leading colleagues in the chancery under Richard and John.

Under Henry I., Henry II., and John four different titles were used to denote the clerk who was apparently next in dignity to the chancellor.[1] But in a list of fees to be paid for royal charters and letters, issued in 1199,[2] the only three officers to receive separate fees were the chancellor, the *prothonotarius*, and the *vicecancellarius*. It may be that the *magister scriptorii* of Henry I.'s reign was parent of these two latter offices.[3] He may have combined in his own person the control of the writing office of chancery and the care (under the chancellor) of the great seal. This may have continued to be the case through Henry II.'s reign, though probably by this time the two duties were performed by two officers quite separate and distinct[4]—the *clericus qui*

[1] Under Henry I. it was Robert de Sigillo: he was described in the Red Book of the Exchequer as *magister scriptorii*, and received 2s. a day for his wages (*Red Book of the Exchequer*, edited H. Hall, iii. 807, and Introduction, pp. cclx, xxix, ccxc. He was, according to Professor Tout, the head "of an organised writing office or scriptorium", and drafted the documents which the chancellor had to seal (Tout, *Chapters*, i. 131). Under Henry II. the most prominent clerk of chancery seems to have been the *sigillifer regis*; Walter of Coutances held this office from 1177 onwards, and was described either as *sigillifer* or as *vicecancellarius regis* (Delisle, *Recueil des actes de Henri II*, p. 108). In the *Dialogus de Scaccario* in the same reign, the most important chancery clerk in the exchequer was the *clericus qui preest scriptorio*; but Professor Tout, as well as Messrs. Crump and Johnson, regard this officer as most probably the successor of the *magister scriptorii* (*Dialogus*, p. 77).

[2] *Foedera*, i. 76: " . . . statuimus ne ullis aliquando temporibus a nostro vel alicujus successorum nostrorum sigillo, quicquam, ultra id quod ab antiquis temporibus de sigillo Regum Angliae statutum est, recipiendum; et quod de sigillo bonae memoriae Henrici patris nostri quondam regis Angliae recipiebatur, pro quibuscunque negotiis recipiatur; scilicet de charta novi feoffamenti terrarum vel quorumlibet tenementorum vel libertatum capiatur una marca auri vel decem marcae argenti ad opus cancellarii, et una marca argenti ad opus vicecancellarii et una marca argenti ad opus prothonotarii; quinque solidi pro cera", etc.

[3] Cf. R. L. Poole, *The Exchequer in the Twelfth Century*, pp. 110, 111. Professor Tout makes it clear, however, that the *clericus qui preest scriptorio* of the *Dialogus* was not in charge of the seal (Tout, *Chapters*, i. 145, *n.* 3).

[4] Poole, p. 111. But Professor Tout clearly distinguishes between the offices in the reign of Henry II. (*ibid.* i. 133, 134). "Besides this deputy chancellor [i.e. *sigillifer* or *vicecancellarius*], there yet remained the *magister scriptorii*, where the successor of Robert and Nicholas of the seal still superintended the composition of writs which the chancellor or his deputy were to seal. This office is probably represented by the *clericus qui preest scriptorio*."

preest scriptorio on the one hand, and the *sigillifer regis* or *vicecancellarius* on the other. These last two officers were probably one and the same. M. Delisle tells us, for instance, that Walter of Coutances was called both *sigillifer* and *vicecancellarius* after 1177.[1] Professor Powicke tells us that in 1196–97 Eustace, afterwards Bishop of Ely, was called by Hoveden at one time *sigillifer*, at another *vicecancellarius*.[2] And on one occasion at least—when he was crusading with Richard I.—we find the *vicecancellarius* actually holding the great seal.[3] In any case, of these officials only the *vicecancellarius* continued on into the reigns of John and Henry III.[4] The *clericus qui preest scriptorio* of Henry II. may, therefore, have become the *prothonotarius* of John; but there were a number of protonotaries by that time, as there were, according to *Fleta*, in the chancery of Edward I.[5] The first single officer to reproduce even in part the control of the *scriptorium* was perhaps the keeper of the rolls, whose name, however, did not appear in the records until after the middle of the thirteenth century.

One of the vice-chancellor's duties was clearly that of keeping the seal. Professor Powicke goes further and refers to him in these terms: "a guardian of the seal . . . independent of the chancellor was a well-known, though not permanent official in the reigns of Richard and John." He could be "regarded at this time and earlier much more as an official immediately dependent on the king, than as a deputy of the chancellor."[6] But against this we have Professor Tout's conclusion that, in the reign of Henry I. at least, "the custody of the seal and the opportunity of making money by exacting fees for its use, were already the very essence of the chancellor's position".[7] In 1121 the Bishop of Hereford—possibly at one time *sigillifer*—was described as *Ricardus qui regii sigilli sub cancel-*

On the other hand, Professor Tout places the final differentiation between the *vicecancellarius* and the *prothonotarius* as late as Richard I. (*ibid.* i. 134, 135). See also *ibid.* i. 145, *n.* 3.

[1] Delisle, Introduction, p. 108.

[2] *E.H.R.* xxiii. 226.

[3] *Ibid.*

[4] Foss (*Judges*, i. 329) did not identify the *vicecancellarius* with any preceding officer, but made him an ordinary chancery clerk in the possession of temporary authority. Professor Powicke makes the *custos sigilli* of Henry I. develop into the later chancellor of the exchequer on the one hand, possibly into the *vicecancellarius* on the other. "The *vicarius* of the chancellor was an official of the exchequer, responsible for the safety of the duplicate seal, continually kept in the exchequer" (*E.H.R.* xxiii. 226), and (*ibid. n.* 44): "This official apparently developed from the *custos sigilli regis* or Richard '*de Sigillo*', who was guardian of the seal *sub cancellario*, in the reign of Henry I. . . . Was the vicechancellor his descendant also?"

[5] *Fleta*, lib. ii. cap. 13, p. 75.

[6] *E.H.R.* xxiii. 220-35. A statement by Professor Tout might be construed as agreeing with this: "when acting the vice-chancellor seems to have held all the chancellor's powers. Even if nominated by the chancellor, he was directly obedient to the king or Justiciar" (Tout, *Chapters*, i. 183, *n.* 1. As described above, however, Professor Tout elsewhere insists that the most essential feature of the chancellor's office was his care of the great seal. But Professor Powicke's view is accepted in Maxwell-Lyte's *The Great Seal*, p. 1.

[7] Tout, *Chapters*, i. 128, *n.* 4.

lario custos erat,[1] whilst tradition at a later date certainly regarded the care of the great seal as the most essential feature of the chancellor's office.[2]

Moreover the evidence put forward by Professor Powicke cannot be regarded, on this point, as conclusive. In the first place, it is said, Richard de Marisco had charge of the great seal in John's reign during the chancellorship of Walter Grey, although he was only "a clerk of the royal chamber". But it is hardly possible that he was also vice-chancellor: in any case, although he had charge of the seal, we must not forget that others may have had temporary charge on similar terms;[3] and what those terms were, or his relations to the chancellor and to the seal, it is impossible to say. Similarly, Professor Powicke has clearly established that Richard, Bishop of Durham, was out of touch with the great seal for a great part of his chancellorship; but the actual relations between him and the official who kept the seal are entirely a matter of conjecture.

In the second place,[4] William Longchamp is said to have given up the seal after the truce of Tillières (1194), when it was placed in the custody of Eustace, afterwards Bishop of Ely, who is styled at one time *sigillifer*, at another *vicecancellarius* by Hoveden. Professor Powicke is inclined to believe this story of Richard's transference of the great seal, as asserted by Hoveden, in opposition to Round.[5] "If", he says, "as was certainly the case later, the great seal could be taken away from a chancellor without depriving him of his official position, Hoveden's story about Longchamp is probably correct". But Mr. Round has conclusively discredited some details of this passage in Hoveden relating to Richard's seals,[6] and there is no corroborative evidence to establish the truth of the rest. There is no clear evidence, for instance, that Eustace received the seal as early as 1194: he was not called *sigillifer* until 1196, and *vicecancellarius* until 1197;[7] and it cannot safely be argued that in those years he was acting independently of the chancellor, in charge of the great seal.

[1] Round, *Geoffrey de Mandeville*, p. 427, *n.* 4. He was described on a list of witnesses to a Colchester charter as *custos sigilli regis*.

[2] Horne, *Mirror of Justices*, edited W. J. Whittaker (Seldon Society), p. 122. Cf. also *Fleta*, lib. ii. cap. 13, p. 75: "Est inter caetera quoddam officium quod dicitur Cancellaria, quod viro provido et discreto, ut Episcopo vel clerico magnae dignitatis debet committi, simul cum cura majoris sigilli regni."

[3] *E.g.* Peter, Bishop of Winchester (*Rot. Chart.* pp. 194, 195, 196), and Ralph de Nevill (*ibid.* p. 196; Foss, *Judges*, ii. 114). In one of the instances which Foss gives, of Peter des Roches as chancellor in November 1213, he has misread the phrase "Coram domino Wintoniense *et* Cancellario" (*Rotuli de Finibus*, i. 507).

[4] An incidental point Professor Powicke makes is that a *vicecancellarius* was drowned in the Levant, with the great seal hanging round his neck, during Richard I.'s crusade. This proves that the *vicecancellarius*, unlike the chancellor's deputy in the exchequer, could move about, but of course it does not prove that he was superseding the chancellor in the care of the great seal, because the chancellor had the charge of the seal Richard left behind in England (Tout, *Chapters*, i. 148, 149).

[5] Round, *Feudal England*, pp. 539-51.

[6] Round, *ibid.* Cf. Tout, *Chapters*, i. 148, *n.* 1. [7] Hovedon, iv. 12, 21.

On December 22, 1213, however, the great seal was entrusted to Ralph Neville "sub domino Wintoniensi episcopo deferendum", though Walter Grey, Archbishop of York, was chancellor both before and after that date. Professor Powicke suggests that "Nevill had to answer to him [Peter des Roches] as chief councillor to the king, and not to the chancellor", a striking instance of a complete separation between chancellor and seal. The only alternative to this suggestion seems to be that, since the king was at this moment on the eve of an expedition overseas, and since, in February 1214, he actually left Peter des Roches as justiciar and governor of the land during his absence,[1] he was already directing Neville to answer to Peter des Roches for his office, not as to a councillor of the king, but as to the king's representative whilst he was abroad. The chancellor himself, it is just possible, was intended to accompany the king. It certainly seems improbable that—as actually happened—Neville was intended to go overseas, since he had been directed to hold the seal under Peter des Roches. In any case, the supreme consideration at the moment seems to have been the proposed absence of the king.

Finally, Professor Powicke finds it quite in accordance with his theory that Ralph Neville should, according to Matthew Paris, be forced to surrender the great seal, whilst retaining both the title and the emoluments of the office, and that Neville should be so content with this situation that he refused to receive the seal back—"Malens quietem quam curas, et emolumentum sigilli quam pericula." It is certainly interesting that the profits could be separated from the duties of the office: but it is significant that after 1238 Matthew Paris did not regard Neville as chancellor in fact if he was in name. In describing his deprival of the seal, Paris says "emolumentis tamen ad cancellariam spectantibus episcopo, *quasi cancellario* redditis et assignatis"; and later he continues,[2] "Rex dolens de facto suo nimis enormi et indiscreto, quod dominum episcopum Cicestrensem, cancellarium, qui irreprehensibiliter officium suum diu ante administraverat, secus quam deceret ablato sigillo a se et curia sua repulerat, eundem blanditiis et promissis attemptavit revocare." It is clear that the loss of the seal by Neville represented in this case the loss of his office; and this is even clearer in a later phrase, describing Neville's final loss of the chancellorship; "insuper sigillum suum . . . rex violenter abstulit, et fratri Galfrido Templario et Johanni de Lexintuna commisit bajulandum". Moreover Matthew Paris does not seem to have been alone in regarding the care of the great seal as constituting the one essential duty of the chancellor's office. In 1191 William Longchamp also regarded the chancellor as having full control over the custody of the seal, when, having been deprived of but still laying claim to that office, he issued special fulminations against "Magistrum Benedictum qui sigillum domini regis contra statuta regis et regni, et contra prohibitionem nostram ferre praesumpserit".[3] Again, in 1236, Ralph Neville certainly maintained himself in office as chancellor—no matter on what legal grounds—by

[1] *E.H.R.* xxiii. 227.
[2] Matthew Paris, *Chronica Majora*, iii. 530. The italics are mine.
[3] Hoveden, iii. 150, 153, 154.

refusing to relinquish the care of the seal.[1] And in 1244 the barons condemned its removal from him, demanded that a chancellor should be elected, and that, if for any reason the king removed the great seal from this chancellor, whatever was sealed in the interval should be null and void. In all these cases the care of the seal is identified with the office of chancellor, and it seems hardly probable that constitutionally it could be given to any other official without his consent. The king could of course bestow his great seal to the care of any person he chose. What he could not do was to separate it entirely from the chancellorship, which had first come into being and had grown to its present importance solely as the office of the seal.

[1] Neville had again been made chancellor and keeper of the great seal for life in 1232 (*Foedera*, i. 208). He received the custody of the seal for life, either in his own person, or in that of "aliquem virum discretum sufficientem et idoneum". Either king or chancellor could remove this officer, in which case the chancellor was to appoint a new one. Was this the *vicecancellarius*? Probably not: he was not described as such, nor would it need a special grant to allow the chancellor to assign the seal to him. Miss Dibben seems to have regarded him as the vice-chancellor (*E.H.R.* xxvii. p. 41) but she did not bring out the fact that his position was difficult to reconcile with that attributed to the vice-chancellor by Professor Powicke. In any case, it is significant how completely Neville had command over the seal, and over the deputy he placed in immediate care of it.

APPENDIX II

CHANCELLORS AND KEEPERS OF THE SEAL UNDER HENRY III

With regard to the chancellors of this period, there are two theories almost diametrically opposed. The older one, supported by Bishop Stubbs,[1] is that after Neville's death in 1244 Henry III. "appointed no successor for many years". The later, due to the illuminating work of Miss L. B. Dibben, and accepted by Professor Tout,[2] is that between 1244 and 1258 Henry had "almost an unbroken succession of chancellors" though some of these were extremely obscure.

In attacking the traditional view Miss Dibben begins at 1238, and accepts the theory that between 1238 and 1244 the seal was held by a succession of keepers.[3] However, Ralph Neville's death left the king free to appoint a chancellor: the problem is whether he did so. "From 1244 to 1250 the seal was held in turn by Silvester of Everdon, John Mansel, and John Lexinton, but whether any or all of these were chancellors, it is by no means easy to decide." Miss Dibben does not claim that Silvester of Everdon, who held the seal from November 1244 until the end of 1246, was a chancellor, but merely states, "The Waverley and Tewkesbury annals describe him as king's chancellor; Matthew Paris, however, is careful to say that he was acting in place of the chancellor." As a matter of fact, however, the Annals of Tewkesbury agree with Matthew Paris,[4] and describe him not as chancellor, but merely as *de*

[1] Stubbs, *C.H.* ii. 51.

[2] It is Professor Tout who fully develops this view. "It has generally been held", he says, "that after the death of Nevill, Henry III. followed the example of Philip Augustus, dispensed with the office of chancellor, and put the great seal in the hands of a series of temporary keepers of inferior status. This doctrine has, I think, been overthrown by Miss Dibben, who has shown that between 1244 and 1258 there was almost an unbroken succession of chancellors."

Miss Dibben, however, merely says, in her article in *E.H.R.*, that "This view [*i.e.* the old one] would have been modified had the works in question been written after the calendars of patent and close rolls of the reign"; though the evidence of these calendars does not seem to be greatly at variance with that of Matthew Paris; and also that "such evidence as I have been able to collect, points to the conclusion that the distinction between the 'properly constituted chancellors' before 1238 and after 1258, and the 'keepers of the seal' in the intervening period has been exaggerated". Yet the strongest assertion Miss Dibben makes subsequently with regard to these "keepers of the seal" is that "Had the chancellor's fee been devised by 1244, it seems not improbable that John Mansel at least would have lived to receive it" (Tout, *Chapters*, i. 285; L. B. Dibben, *E.H.R.* xxvii. 39-51, "Chancellor and keeper of the seal under Henry III.").

[3] Except for the period September 1243 to February 1244, when Neville seems to have continued to act as chancellor.

[4] The Annals of Tewkesbury describe his election to Carlisle "Silvester *de cancellaria* domini regis eligitur in episcopum de Kardueville" (*Annales Monastici*, i. 135). The Annals of Waverley, however, describe him as "cancellarius domini regis" (*Annales Monastici*, ii. 337), as do the Annals of Dunstaple (*ibid.* iii. 170) and *Chronicon Thomae Wykes* (*ibid.* iv. 94).

cancellaria. He must clearly be regarded only as a keeper of the seal. John Mansel, who held the seal for the greater part of the period, until September 1249[1] was, according to Matthew Paris, *cancellarii vices acturus et officium*, who *custodiam sigilli suscepit*; and Miss Dibben has found nothing contradictory to this in the records. John Lexinton, who held the seal from 1247–48 and again from 1249–50, was a layman: he was described as steward in both 1247 and 1248; and so far is Miss Dibben from regarding him as chancellor, that, she suggests, if any chancellor existed at this period, it was the absent John Mansel. Clearly, so far, the evidence is strongly against the existence of chancellors, and in favour of a complete continuity, in this respect, during the whole period 1238–50.

The next keeper, William of Kilkenny, seems to have received sole charge of the seal during the year 1250. According to Matthew Paris,[2] "dominus rex . . . custodiam sigilli sui, quod quasi clavis regni esse comprobatur, commisit magistro Willelmo de Kilkenni". And at the end of his office, Paris refers to him as "Willelmo de Kinkilny . . . qui sigillum regium laudabiliter bajulaverat".[3] But in 1253, in the *Additamenta*,[4] on his election to Ely, Paris referred to him as chancellor, "Ipsis diebus supplevit officium cancellarii magister Willelmus de Kilkenni . . . domini regis clericus et consiliarius specialis . . . qui et cancellarius appellatus est";[5] though nothing could be more significant than this guarded statement. And other chronicles at the same time give him the same title.[6] In the records he was called "portitor sigilli" in 1251,[7] and keeper of the seal in 1255,[8] when at the end of his period of office he was exempted 'from all reckonings and demands for the time that he was keeper of the seal in England'. In 1253, however, he was described as chancellor on a charter, and in the same year in the *Placitorum Abbreviatio*.[9]

Matthew Paris does not describe Wengham, the last keeper before the Provisions of Oxford, as chancellor, when he received the seal from Kilkenny.[10] In 1256, moreover, he refers to him as "bajulum sigilli".[11]

Matthew Paris describes him as "domini regis clericus et vices agens cancellarii" (*Chron. Majora*, iv. 569). Matthew Paris is certainly quite consistent in this attitude. In a speech he records or puts into the king's mouth in 1253, Henry III. says to Silvester, "et te Silvester Karleolensis, qui diu lambens cancellariam clericorum meorum clericulus extitisti qualiter, postpositis multis theologis et personis reverendis te in episcopatum sullimavi" (*sic*). Henry does not mention that Silvester has ever been chancellor (*ibid.* v. 374).

[1] He did not, apparently, hold it from August 1247 to August 1248.

[2] Matthew Paris, *Chron. Maj.* v. 130.

[3] *Ibid.* v. 485. [4] *Ibid.* vi. 251. [5] *Ibid.* v. 464.

[6] *Annales Monastici*. i. 318 (on election to Ely); *ibid.* ii. 94 (*Annals of Winchester*); *ibid.* iii. 202 (*Annals of Dunstaple*).

[7] *C.R.* 35, Henry III. *m.* 9. July 1. (According to Miss Dibben.)

[8] In the quittance granted to him at the close of his service he is described as "Custos sigilli nostri in Anglia". *E.H.R.* xxvii. 46 quotes *C.P.R.* 1247–58, p. 393; *D.N.B.*(Kingsford) quotes Madox, *Exchequer*, i. 71.

[9] *E.H.R.* xxvii. 46; *Plac. Abbrev.* p. 133.

[10] Matthew Paris, *Chron. Maj.* v. 485; ". . . rex . . . commisit eidem custodiam sigilli sui". [11] *Ibid.* v. 589.

But he calls him chancellor twice in 1257,[1] and again in 1259.[2] Indeed it is quite clear that Wengham was well known as chancellor, though Miss Dibben points out that in the official record of his oath to the barons in July 1258 he is not called chancellor, but we are simply told that "Henricus de Wengham prestitit sacramentum coram baronibus Anglie de custodia sigilli regis".[3] And Wengham did not receive the fixed income instead of the issues of the seal, which chancellors were to receive after 1260.[4] It is clear, however, that both he and Kilkenny were to some extent different from the keepers that had gone before: there is much more reason to regard them both as chancellors and not as keepers of the seal.

Besides this kind of evidence, from chronicles and records, Miss Dibben lays great stress also on the wording of the petitions presented to the king by the barons during the same years. The request of the barons in 1244,[5]—"Justitiarius et cancellarius ab omnibus eligantur", is regarded by her as "a condemnation of the removal of the seal from Ralph Nevill, and of the succession of courtier keepers". The petition of 1248, however, recorded by Paris,[6] in the words "calumpniatur . . . rex . . . eo quod, sicut magnifici reges praedecessores sui habuerunt, justitiarium nec cancellarium habet, nec thesaurarium per commune consilium regni prout deceret et expediret, sed tales", etc.—this petition, Miss Dibben says, and the answer to it, are "not easily reconciled with the theory of a vacant chancellorship". In 1249[7] the petition was "ut quod dominus rex saepe promiserat eisdem saltem tunc adimpleret, videlicet de cancellario justitiario, et thesaurario per consilium eorum constituendis"; in 1255[8] "exigent insuper ut de communi consilio regni sibi justitiarium cancellarium et thesaurarium eligerent"; in 1258[9] merely "Exigebant insuper sibi fieri justitiarium".

These petitions, however, could scarcely, in any case, be regarded as conclusive. Their one clear and consistent feature is the demand by the barons, not that a chancellor be elected, but that he should be elected by their council and advice. The barons clearly are not so much concerned whether the officer keeping the great seal is or is not the chancellor, but whether or not they have shared in his appointment. If on one occasion they can be read as conceding the title, that should scarcely outweigh the

[1] *Chron. Maj.* vi. 343, v. 635, 636.
[2] *Ibid.* v. 731.
[3] *E.H.R.* xxvii. 48.
[4] *Ibid.*

[5] M. Paris, *Chron. Maj.* iv. 367. This request was probably made in the autumn of 1244 (Stubbs, *C.H.* ii. 62), whereas Neville had died in February. It seems that Henry must have shown clearly his intention not to appoint a chancellor on Neville's death.

[6] *Ibid.* v. 7: "Calumpniatur itaque dominus rex graviter a singulis et universis non mediocriter conquerentibus, eo quod, sicut magnifici reges praedecessores sui habuerunt justitiarum nec cancellarium habet, nec thesaurarium per commune consilium regni prout deceret et expediret, sed tales qui suam qualemcunque dummodo sibi quaestuosam sequuntur voluntatem." The king in his reply to this said, "Quapropter nec cancellarium nec justitiarium nec thesaurarium prout disponere proposuistis, nec amovebit nec alios substituet" (*ibid.* v. 20).

[7] *Chron. Maj.* v. 73. With regard to this Stubbs says, "Again the appointment of the three great officers was demanded" (*C.H.* ii. 67).
[8] *Chron. Maj.* v. 494.
[9] *Ibid.* v. 696.

numerous occasions when a chronicler like Matthew Paris meticulously distinguishes between the chancellor and the keeper of the seal. Nor can the clear intention of Henry in 1248 to regard himself as possessing both a chancellor or a justiciar blind us to the fact that he might describe officials in those terms who were recognisable by nobody outside the narrow limits of his own party: it was the obvious policy for him to adopt against the widespread scepticism voiced by the barons and reflected in the pages of Matthew Paris.

As a matter of fact, the petitions taken as a whole can scarcely be regarded as proof of the existence of chancellors at all. The most obvious thing about them is the continuity of policy they express from 1244 to 1255. And if, as is generally conceded, the petition of 1244 assumes that the office of chancellor is vacant, there is little evidence until 1258 to suggest that this assumption had been changed. Even the petition of 1248 is ambiguous on the point:[1] in recording it, Matthew Paris at least distinguishes the office of treasurer, which we know was held much in the traditional manner, from that both of justiciar and chancellor. The main deduction from the petitions is that the situation in the great offices of administration was extremely irregular: taken alone, they leave it exceedingly doubtful whether that irregularity can be better accounted for by the theory of inordinately weak chancellors, or by that of no chancellors at all.

There is nothing therefore to justify our ignoring the clear evidence of both the records and chronicles on the point. And both consistently refrain from describing the officials in charge of the seal before 1253 as chancellors. Even after 1253, until the Provisions of Oxford, both chronicles and records are uncertain on the matter; but after 1260 it is clear and settled once more. There is obviously something more important in this than a quibble over a name: constitutional issues of some importance were involved. There were plain precedents for the suppression of the chancellorship abroad.[2] Although we have in fact the chancellor's

[1] Matthew Paris does not group all these officers together—"justitiarium nec cancellarium habet, nec thesaurarium per commune consilium regni"; a formation which not only distinguishes the treasurer (whom we know existed), from the other two (whom we do not know), but might even be read to mean that the first two officers actually did not exist. However, Paris goes on "sed tales qui suam . . . sequuntur voluntatem", thus making it likely that all three officers were assumed to exist. It is interesting to notice that Miss M. A. Hennings in *England under Henry III.* (p. 67) translates the phrase, "the Lord king has neither justiciar chancellor nor treasurer appointed by the common advice of the realm . . . but *such men* as follow his wishes whatever they may be".

[2] Morel, *Grande Chancellerie royale*, p. 6. M. Morel's conclusions with regard to this change in the French chancery are worth quoting in full: "Le garde du sceau ou vice-chancelier était un simple officier subalterne, au lieu que le chancelier avait été un des grands officiers de la couronne. De plus, le chancelier avait vu ses fonctions s'étendre bien au delà du service de la chancellerie. Le garde du sceau, lui, ne pouvait prétendre à rien de semblable; ses fonctions étaient (en principe) restreintes au seul service de la chancellerie et à l'expédition des lettres."

duties being performed, we have the chancellorship in England being suspended between 1244 and 1258, exactly as had occurred in similar circumstances abroad, with consequences on the office of chancery which cannot fail to have been considerable, though they have not, as yet, been fully worked out.

APPENDIX III

OFFICERS OF THE CHANCERY UNDER EDWARD III

(1) Chancellors and Keepers of the Great Seal

1327, January 28. John Hothum, Bishop of Ely, until March 1, 1328.[1]

(No commission.)

1328, March 1. No chancellor, until July 1, 1328.[2]

Commissions holding the Seal

1328, March 1, Henry Cliff and William Herlaston, until May 12, 1328.[3]

1328, May 12, Henry Burghersh, Bishop of Lincoln, until July 1, 1328.[4]

1328, July 1. Henry Burghersh, Bishop of Lincoln, until November 2, 1330.

Commissions holding the Seal

1328, July 1, Henry Cliff and William Herlaston, until July 30.[5]

1328, August 17, Henry Cliff and William Herlaston, until August 26.[6]

1328, August 26, Adam Lymbergh, who surrendered it to Burghersh the same day.[7]

1329, May 31, Henry Cliff and William Herlaston, until June 11.[8]

1330, November 28. John Stratford, Bishop of Winchester, until September 28, 1334.[9]

Commissions holding the Seal.

1331, April 1, until ? Robert Stratford and Henry Cliff.[10]

1331, November 21, until ? Henry Cliff and Robert Stratford.[11]

1332, April 1 until June 23, Henry Cliff, Henry Edwinstow, and Thomas Bamborough.[12]

[1] *C.C.R.*, 1327–30, pp. 98, 264-5, 371; *C.P.R.*, 1327–30, p. 245.

[2] *C.C.R.*, 1327–30, pp. 387, 400, 411; *Foedera*, ii. 731, 743, 745. See p. 100. *supra.*

[3] *Foedera*, ii. 731, 743.

[4] *Ibid.* 743, 745.

[5] *C.C.R.*, 1327–30, pp. 400, 403.

[6] *Ibid.* pp. 410, 411.

[7] *C.C.R.*, 1327–30, p. 403.

[8] From January 15 to January 19 the seal was used by the king himself, and kept in the wardrobe under the seal of William Herlaston (*C.C.R.*, 1327–30, pp. 425, 547, 549).

[9] *C.C.R.*, 1330–33, p. 166; *C.C.R.*, 1333–37, p. 346.

[10] *C.C.R.*, 1330–33, p. 299.

[11] *Ibid.* p. 421.

[12] *C.C.R.*, 1330–33, pp. 550, 573; *C.P.R.*, 1330–34, p. 269.

1332, June 23, until ? Robert Stratford,[1] Keeper, supplying the place of John Stratford.
1332, November 21, until ? Henry Cliff and Robert Stratford.[2]
1332, December 17, until ? Henry Cliff and Henry Edwinstow.[3]
1333, August 10, until 1334, January 13, William Melton, Keeper.[4]
1334, January 13 to 1334, February 17, Henry Edwinstow, Thomas Bamborough, and John of St. Pol.[5]

1334, September 28. Richard Bury, Bishop of Durham, until June 6, 1335.[6]

(No Commission.)

1335, June 6. John Stratford, Archbishop of Canterbury, until March 4, 1337.[7]

Commission holding the Seal

1335, June 6, until ? Robert Stratford.[8]

1337, March 24. Robert Stratford, until July 6, 1338.[9]

(No Commission.)

1338, July 6. Richard Bintworth, Bishop-elect of London, until December 8, 1339.[10]

Commission holding the Seal

1338, July 6, until July 19, 1338, John of St. Pol and Thomas Bamborough.[11]

1339, December 8. No chancellor until April 28, 1340.[12]

Commission holding the Seal

1339, December 8, until February 16, 1340,[13] John of St. Pol, Michael Wath, and Thomas Bamborough.
1340, February 16 until April 28, 1340,[14] John of St. Pol, Keeper.

[1] *C.C.R.*, 1330–33, pp. 573, 576, 619.
[2] *Ibid.* p. 421.
[3] *Ibid.* p. 619.
[4] *C.C.R.*, 1333–37, pp. 129, 188.
[5] *Ibid.* pp. 188, 296.
[6] *Ibid.* pp. 346, 493.
[7] *Ibid.* p. 493; *C.C.R.*, 1337–39, p. 117; *Foedera*, ii. 1337.
[8] *C.C.R.*, 1333–37, p. 493.
[9] *C.C.R.*, 1337–39, pp. 117, 519.
[10] *Ibid.* p. 519; *C.C.R.*, 1339–41, p. 339. His term of office was ended by his death.
[11] *C.C.R.*, 1337–39, pp. 519, 520.
[12] *C.C.R.*, 1339–41, pp. 339, 467.
[13] *Ibid.* pp. 339, 451.
[14] *Ibid.* pp. 451, 467.

1340, April 28. John Stratford, Archbishop of Canterbury, until June 20, 1340.[1]

(No Commission.)

1340, June 20. Robert Stratford, Bishop of Chichester, until December 1, 1340.[2]

Commission holding the Seal

1340, June 20, John of St. Pol, Keeper, until July 12, 1340.[3]

1340, December 1. No chancellor until December 14, 1340.[4]

Commission holding the Seal

1340, December 2 until December 14,[5] Keeper Kilsby, the seal being sent to the Tower under the seals of Robert Sadington, Thomas Evesham, and Thomas Brayton.

1340, December 14. Robert Bourchier, until October 28, 1341.[6]

Commissions holding the Seal

1340, December 16 until January 1, 1341,[7] Thomas Evesham, E. Grimsby, and Thomas Brayton.

1341, February 14 until March 3, 1341,[8] Thomas Pardishowe, Thomas Evesham, and Thomas Brayton.

1341, October 28. Robert Parvyng, until August 26, 1343.[9]

Commission holding the Seal

1343, August 18 until September 29, 1343,[10] John Thoresby, John of St. Pol, and Thomas Brayton.

[1] *C.C.R.*, 1339–41, pp. 467, 482.
[2] *Ibid.* pp. 482, 653. Stratford was dismissed by the king.
[3] *Ibid.* pp. 482, 483.
[4] *Ibid.* pp. 653, 656; *C.P.R.*, 1340–43, p. 71.
[5] *C.C.R.*, 1339–41, p. 653; *C.P.R.*, 1340–43, p. 71.
[6] *C.P.R.*, 1340–43, p. 71; *C.C.R.*, 1339–41, p. 656; *C.C.R.*, 1341–43, p. 339.
[7] *C.C.R.*, 1339–41, p. 656.
[8] *Ibid.* p. 657; *C.C.R.*, 1341–43, p. 107.
[9] *C.C.R.*, 1341–43, p. 339; *C.C.R.*, 1343–45, p. 225; *C.P.R.*, 1340–43, p. 340. Parvyng died on August 26.
[10] *C.P.R.*, 1343–45, p. 116; *C.C.R.*, 1343–46, pp. 171, 178.

1343, August 26.	No chancellor until September 29, 1343.[1] The commission of August 18 was continued as indicated, until September 29.
1343, September 29.	Robert Sadington, until October 26, 1345.[2] (No Commission.)
1345, October 26.	John Offord, until May 20, 1349.[3] (No Commission.)
1349, May 20.	No chancellor until June 16.[4]
	Commission holding the Seal
	1349, May 21 to June 16, 1349, David Wollore, John of St. Pol, Thomas Brayton, and Thomas Cotingham.[5]
1349, June 16.	John Thoresby, Bishop of Worcester, until November 27, 1356.[6]
	Commissions holding the Seal
	1351, September 2 until October 8, 1351,[7] David Wollore, Thomas Brayton, and E. Grimsby.
	1353, August 4, until ? David Wollore, Thomas Brayton, and Andrew Offord.[8]
1356, November 27.	William Edyngton, Bishop of Winchester, until February 19, 1363.[9] (No Commission.)
1363, February 19.	Simon Langham, Bishop of Ely, until 1367.[10]
1367 ——	William Wykeham, Bishop of Winchester, until March 14, 1371.[11]

[1] *C.C.R.*, 1343–46, p. 178; *C.P.R.*, 1343–45, p. 118.
[2] *C.C.R.*, 1343–46, p. 178; *C.P.R.*, 1343–45, p. 118; *C.C.R.*, 1343–46, p. 661; *C.P.R.*, 1343–45, p. 563.
[3] *C.C.R.*, 1343–46, p. 661; *C.C.R.*, 1349–54, p. 84. Offord died on May 20.
[4] *C.C.R.*, 1349–54, pp. 84, 88.
[5] *Ibid.* pp. 84, 88.
[6] *Ibid.* p. 88; *C.C.R.*, 1354–60, p. 332.
[7] *C.C.R.*, 1349–54, pp. 386, 389.
[8] *Ibid.* p. 619.
[9] *C.C.R.*, 1354–60, p. 332; *C.C.R.*, 1360–64, p. 514.
[10] *C.C.R.*, 1360–64, p. 514. He delivered up the seal between March 27 and November 24 (*C.C.R.*, 1364–68, pp. 373, 401).
[11] *C.C.R.*, 1364–68, p. 401; *C.C.R.*, 1369–74, p. 287.

1371, March 26. Sir Robert Thorp, until June 29, 1372.[1]

Commissions holding the Seal

1371, March 28, until some time previous to July 10, 1371,[2] Walter Power, William Burstall, William Mirfield, and Nicholas Spaigne.

1372, June 30, probably until July 5, 1372,[3] William Latimer, Richard Lescrope, and Nicholas Carew.

1372, July 5. John Knyvet, until January 11, 1377.[4]
(No Commission.)

1377, January 11. Adam Houghton, Bishop of St. David's, until October 29, 1378.[5]

Commissions holding the Seal

1377, May 4 to June 22, 1377, William Burstall, Richard Ravenser, and Thomas Newenham.[6]

1377, June 22 to June 26, 1377, Nicholas Bond,[7] knight of the king's chamber.

(2) Keepers of the Rolls

1325, July 4. Henry Cliff, until 1334.[8]

1334, January 20. Michael Wath, until April 28, 1337.[9]

1337, April 28. John of St. Pol, until December 2, 1340.[10]

1340, December 2. William Kilsby, received the Rolls in the Tower on December 2, and sent them to Thomas Evesham, part on January 3, and part on January 9, 1341.[11]

[1] *C.C.R.*, 1369–74, p. 287. On June 29, 1372, Thorp, who was dying, caused the great seal to be enclosed under the seals of John Knyvet, Richard Ravenser, and William Burstall. On June 30 it was delivered by Richard Ravenser and Richard Treton, a member of Thorp's household, to William Latimer the chamberlain, Richard Lescrope, treasurer, and Nicholas Carew, keeper of the privy seal (*C.C.R.*, 1369–74, p. 445).

[2] *C.C.R.*, 1369–74, p. 287. Thorp was back in the chancery before July 10 (*ibid.* p. 314).

[3] The seal was given to this commission on June 30, and it was handed to the new chancellor, Knyvet, by John of Gaunt on July 5 (*C.C.R.*, 1369–74, p. 445).

[4] *Ibid.* and *C.C.R.*, 1374–77, p. 466.

[5] *C.C.R.*, 1374–77, p. 466; *C.C.R.*, 1377–81, p. 216; *Foedera*, iv. 51.

[6] *C.C.R.*, 1374–77, p. 546; *C.C.R.*, 1377–81, p. 74.

[7] John of Gaunt received it from the three keepers, and delivered it to Nicholas Bond: this was the day after Edward III.'s death (*C.C.R.*, 1377–81, p. 74.)

[8] Tout, *Edward II.*, p. 329; *C.C.R.*, 1333–7, p. 295.

[9] *C.C.R.*, 1333–37, p. 295; *C.C.R.*, 1337–39, p. 130.

[10] *C.C.R.*, 1337–38, p. 130; *C.C.R.*, 1339–41, p. 657.

[11] *C.C.R.*, 1339–41, p. 657.

1341, January 3.	Thomas Evesham, until February 21, 1341.[1]
1341, February 21.	John Thoresby, until June 1345.[2]
1345, June	David Wollore, until 1370–71.[3]
1371	William Burstall, until September 8, 1381.[4]

(3) Keepers of the Hanaper

1324, October 1.	Thomas Sibthorp, until January 26, 1327.[5]
1327, January 26.	John Wodehouse, until December 29, 1339.[6]
1339, December 29.	William Ravendale, until September 18, 1345.[7]
1345, September 18.	Richard Thoresby, until September 1, 1357.[8]
1357, September 1.	Richard Ravenser, until 1379.[9]

(4) Keepers of the Domus Conversorum

1327, March 8.	Richard Airmyn, appointed for life, surrendered office, June 1339.[10]
1339, June	John of St. Pol, appointed for life, resigned office, January 28, 1350.[11]
1350, January 28.	Henry Ingelby, resigned office, 1371.[12]
1371, July 22.	William Burstall, appointed for life, resigned office, September 8, 1381.[13]

[1] *C.C.R.*, 1339–41, p. 657; *C.C.R.*, 1341–43, p. 118.

[2] *C.C.R.*, 1341–43, p. 118; *C.P.R.*, 1343–45, p. 480; *Foedera*, iii. 53; *C.C.R.*, 1343–6, p. 74.

[3] Wollore was not mentioned, however, until 1346 (*C.C.R.*, 1343–46, p. 74. He died in 1370–71; see *supra*, p. 162.

[4] Burstall was acting on March 28, 1371. Waltham, his successor, was appointed on September 8, 1381 (*C.P.R.*, 1381–85, p. 41).

[5] *C.F.R.* iii. 307, iv. 42.

[6] *C.F.R.* iv. 42; *C.P.R.*, 1327–30, p. 201; *C.C.R.*, 1337–39, p. 458; P.R. 185. He accounted until April 16, 1340.

[7] *C.P.R.*, 1338–40, p. 403; P.R. 185. He was appointed for life on December 29, and took charge from April 16, 1340. He accounted for the office until April 16, 1345, but his successor was not appointed until September 18 of the same year (P.R. 191).

[8] P.R. 202/40. *Rot. in Scacc.*, Playford, pp. 174, 245. The king, with the assent of William Ravendale, keeper of the hanaper, gave the office to Richard Thoresby during the king's pleasure. On November 6, 1348, the king granted Thoresby the office during good behaviour (*C.C.R.*, 1348–50, p. 200).

[9] P.R. 202/40; *C.C.R.*, 1377–81, p. 323. His successor was John Ravenser.

[10] *C.P.R.*, 1327–30, p. 42; *C.P.R.*, 1338–40, p. 256. On *C.P.R.*, 1340–43, p. 232, is an exemplification of letters dated November 7, 1 Edward III., granting to Adam Osgodby the custody of the House of Converts, London, during pleasure.

[11] *C.P.R.*, 1338–40, p. 256.

[12] *C.P.R.*, 1348–50, p. 475; *C.P.R.*, 1370–74, p. 128.

[13] *C.C.R.*, 1370–74, p. 128; *C.C.R.*, 1374–77, p. 147; *C.P.R.*, 1381–85, p. 41. Ancient Correspondence, 56/103.

(5) The Greater Clerks of Chancery

The clerks are arranged alphabetically.

The dates refer to the period of service as greater clerks.

The page references are to pages of this book where more complete biographies are given.

1. Bamborough, Thomas. 1332–1340. Probably from Bamborough in Northumberland. Connected with the family of the Despensers. Page 151.
2. Barton, Peter. 1376–1395. Page 176.
3. Blebury, John. 1332–1338. Probably a supporter of Thomas of Lancaster; ordered to be removed from office in 1323. Page 153.
4. Bouland, John. 1376–Rich. II. A Yorkshireman: he first acted as clerk of the first grade in 1376, but the chancellor was commanded to dismiss him on October 4, 1376. There is no trace of this being done, however. No evidence of connection with any political party. Page 177.
5. Branketre, John (Master) 1355–1375. A notary of the diocese of Norwich: engaged to serve in the chancery, 1355: in the service of the Prince of Wales: received petitions in parliament, 1362. Page 169.
6. Brayton, Thomas. 1332–1361. A Yorkshireman: accompanied Edward III. overseas in 1329: prominent in the crisis of 1340: in the employment and confidence of Queen Philippa. Page 154.
7. Burstall, William. 1370–1381. From Burton Joyce in Nottinghamshire. Received his first living in 1338: in 1350 went on a jubilee pilgrimage to Rome: promoted to the first grade by 1370: created keeper of the rolls, 1370–71: retired at his own request in 1381, and died shortly after. Page 171.
8. Capenhurst, Thomas. 1337 or 1344–1347? Came from Chester and was first mentioned in the records in 1328: was attorney for William Clynton, Oliver Ingham, etc. Page 164.
9. Chesterfield, Roger. 1360–1367. Probably from Chesterfield: promoted from the exchequer. Page 167.
10. Chigwell, Robert. 1340. The son of Richard Chigwell of Chelsea: there is no evidence, except his dismissal in 1340 from chancery, that he was ever a greater clerk. He was in the employment of Queen Philippa. Page 159.
11. Cliff, Henry. Edward II.–1333. He was a prominent clerk under Edward II. Some details of his career then are given in *Place of Edward II. in History* (T. F. Tout). He was made keeper of the rolls on July 4, 1325 and died in 1333.
12. Coddington, Henry. 1375–Richard II. Probably from Coddington in the county of Nottinghamshire: closely associated with Thomas Roos of Hemsley, and attorney of William Hamsterley. Page 175.

13. Coddington, John. 1350–1369. Came from Nottinghamshire: in 1350 he was a clerk of parliament. He was attorney for John Maltravers, Bartholomew Burghersh, Robert Bourchier, etc. Page 166.
14. Cotingham, Thomas (The Elder). 1337 or 1346–1350. Page 164.
15. Cotingham, Thomas (The Younger). 1362–1370. A chancery clerk of the second grade in 1356, when he was made keeper of the rolls of chancery in Ireland. He returned to England, 1361–62, and by 1362 was a first-grade clerk. He was active in the chancery until 1370. Page 168.
16. Edwinstow, Henry. 1329–1348 or 1350. The son of John Bythewater of Edwinstow. In high favour both during the minority and after 1330. On a commission in charge of the great seal, 1332; exempted from being sent without chancery and parliament in 1334. Page 149.
17. Emeldon, William. 1337–1360 or 1361. Came from Newcastle-on-Tyne: was chancellor and chamberlain of Berwick in 1350; retaining his rank of greater clerk in the English chancery. Employed by a group of northern magnates. Page 164.
18. Evesham, Thomas. 1332–1343. A native of Pershore near Worcester; attorney for the leading politicians of the day; prominent in the crisis of 1340, receiving the rolls of chancery on January 3, 1341, but giving them up in the following February. Page 151.
19. Freton, John. 1376–Richard II. From Norfolk; in the confidential service of Alice Perrers. Page 177.
20. Gogh, John. 1350–60. A Welshman; clerk and attorney of Guy de Brian. Page 165.
21. Grimsby, Edmund. 1337?–1352 or 1353. In all probability from Grimsby in Lincolnshire: closely connected with the Despensers under Edward III.; in 1333 appointed keeper of the rolls of chancery in Ireland; a leading clerk in the English chancery after 1340. Page 158.
22. Grimsby, Elias. 1340–1360 or 1361. Possibly a relative of Edmund Grimsby. Attorney for Lancastrian magnates in the first years of the reign. Page 161.
23. Haydock, Henry. 1353–1361? Came from Lancashire; clerk of the second form, 1351; of the first, 1353; in the service of the Duke of Lancaster. Page 167.
24. Herlaston, William. A leading clerk under Edward II.; see *Place of Edward II.* (T. F. Tout): frequently holding the seal under commission during the minority, but not after 1330.
25. Kelleseye, Robert. 1341–1349? Probably from Lincoln. Page 161.
26. Langetoft, John. 1333–1360? Had been warden of the king's scholars, Cambridge; appointed straight to the rank of greater clerk in chancery. Page 155.

27. Lymbergh, Adam. 1328. Acted as keeper of the seal for one day, during the minority (August 26, 1328); but it is unlikely that he was a chancery clerk under Edward III.
28. Marton, John. 1341–1349. From the diocese of York; in 1345 made chancellor of the bishopric of Durham. Page 160.
29. Mirfield, William. 1362–1375. A Yorkshireman in the employment of the house of Lancaster by 1361; closely attached to John of Gaunt. Page 169.
30. Multon, Simon. 1372–1376. Probably promoted straight to the rank of greater clerk; Doctor of Civil Law. Page 175.
31. Newenham, Thomas. 1370–Richard II. Page 173.
32. Newenham, William. 1343 ?–1360 ? Page 166.
33. Offord, Andrew. 1353–1358. Brother of John Offord, chancellor, 1345–49; Doctor of Civil Law; entered chancery under his brother. Page 167.
34. Pardishowe, Thomas. 1341 ? He was closely connected with Robert Bourchier, chancellor, 1340–41. Prominent in chancery only under Bourchier. Page 160.
35. Power, Walter. 1341 ?–1375. In the regular employment of the house of Lancaster. Page 165.
36. Ravendale, Michael. 1372–Richard II. Was (in 1363) described as clerk of Nicholas Loveyn, Governor of Ponthieu (1369) and friend of John of Gaunt. Page 174.
37. Ravenser, Richard. 1363–1384 ? Was a Lincolnshire man; made keeper of the hanaper in 1357; in 1363 promoted to the rank of greater clerk; in the service also of Queen Isabella, Queen Philippa, and the king's daughter Isabella. Page 170.
38. St. Pol, John of. 1334–1350. A Yorkshireman; illegitimate, probably connected with Mary of St. Pol, wife of the Earl of Pembroke; held the great seal (on commission) in 1332; keeper of the rolls, 1334; dismissed, 1340; retained rank and duties of clerk of the first grade; in 1349 made Archbishop of Dublin; in 1350 made Chancellor of Ireland. Attorney to members of the court party, 1330–1340. Page 155.
39. Sibthorp, Thomas. 1338 ?–1351. Probably came from Sibthorp in Nottinghamshire; he was closely attached to the Despensers and Robert Baldock under Edward II.; keeper of the hanaper in 1324 (superseded in 1327). Page 162.
40. Skirlaugh, Walter. 1376–Richard II. He was a Yorkshireman, from Skirlaugh near Hull; probably appointed straight to the rank of greater clerk, superseding John Bouland: a Doctor of Laws. Page 178.
41. Spaigne, Nicholas. 1369–1374 or 1375. Page 172.
42. Stratford, Henry. 1340. A relative of John Stratford, Archbishop of Canterbury; dismissed from office, 1340.
43. Stratford, Robert. 1330–1337 (when he became chancellor). Brother of John Stratford, chancellor, 1337 and 1340; dismissed from office, 1340. (See Chancellors.)

44. Thelwell, Thomas. 1376–Richard II. From the Duchy of Lancaster; became chancellor of the duchy in 1377, retaining his place in the king's chancery; in the service of John of Gaunt at least until 1379. Page 176.
45. Thoresby, John. 1340–1349 (when he became chancellor). From Thoresby in Lincolnshire; in the household of William Melton, Archbishop of York, and Henry, Earl of Lancaster, in his early days; in the king's service by 1330; keeper of the rolls, 1341; chancellor, 1349–56; Archbishop of York, 1352. (See Chancellors.)
46. Tissington, Richard. 1373–Richard II. Page 176.
47. Wath, Michael. 1334–1340. A Yorkshireman; served in the office of the rolls; keeper of the rolls, 1335; superseded by John of St. Pol, 1337; dismissed, 1340; attorney for a number of Lancastrians. Page 157.
48. Wickford, Robert. 1370–1376? Doctor of both Laws; active outside chancery; Constable of Bordeaux Castle, 1373 and 1375; Archbishop of Dublin, 1376 (January); Chancellor of Ireland, 1376 (July 18); connected with Ireland till death, 1390? Page 173.
49. Wodehouse, John. 1340? In the service of Edward III. overseas, 1329 and 1338; and the Earl of Northampton, 1338; keeper of the hanaper, 1327–39; in 1340 exempted from service outside chancery, but possibly accepted important offices (exchequer, etc.) outside chancery subsequent to this. Page 158.
50. Wollore, David. 1344. Promoted by Robert Parvyng "with the assent of all", to succeed Thomas Evesham; keeper of the rolls in 1345; member of the king's council, 1369; died, 1370–71. Page 162.

APPENDIX IV

THE SEAL OF ABSENCE

The seal of absence had first appeared as early as 1262,[1] but had not been consistently employed since that date. Edward II., for instance, when going overseas in 1320,[2] simply ordered the great seal "to remain closed up in a secure place whilst he was in parts beyond sea"; though it seems that a small seal was to be used instead. Edward III. himself left the great seal behind in England when he first went overseas in 1329, in the hands of a commission, the chancellor accompanying the king.[3] The same thing occurred in April 1331;[4] on neither occasion was a seal of absence mentioned, and apparently the king only took his privy seal abroad with him. In July 1338 the king definitely left behind a seal of absence, and took with him the great seal. It is evident that some such arrangement was almost a necessity, for he was going abroad for an indefinite time, to cement with his royal presence and seal the numerous alliances and treaties in the Netherlands. The seal of absence he left in England was delivered to a commission and with great formality, and impressions of the new seal were sent to all parts of the realm, with orders under the great seal that it was to be obeyed.[5]

The practice of taking abroad the great seal and leaving a seal of absence continued during all the following campaigns,[6] until 1372, when the king left the great seal in the treasury, under his signet seal, but still left a seal of absence with the government in England.[7] Even on the short campaign in Brittany, 1342–43, the king took the great seal with him, though the chancellor and chancery remained behind, but with none of the precautions of 1338, and less of the formality.[8] The actual transference of the seals, however, remained a formal affair, always carefully noted on the chancery rolls.

Besides the seal of absence, there appears to have been another seal used by the government in England during Edward's campaigns abroad. In October 1348 there were delivered into the exchequer two seals,[9] a great one and a private one, "which Lionel, lately guardian, used in England, as he was permitted to do while the king was acting in remote parts". In the same year the small seal was sent to a silversmith in London, to have a new one made from it, under the name of Thomas Woodstock.[10] In 1359 a memorandum on the Close Rolls described the king as leaving two seals for the government of the land during his absence, one of which was for the guardian, Thomas of Woodstock.[11] It was this

[1] Tout, *Chapters*, i. 303.
[2] *C.C.R.*, 1318–23, pp. 237, 238.
[3] *C.C.R.*, 1327–30, p. 547.
[4] *C.C.R.*, 1330–33, pp. 299, 421.
[5] *C.C.R.*, 1337–39, pp. 519, 520.
[6] *C.C.R.*, 1343–46, p. 594 (1345); *C.P.R.*, 1345–48, p. 142 (1346); *C.C.R.*, 1354–60, p. 656 (1359); *C.C.R.*, 1360–64, p. 112.
[7] *C.C.R.*, 1369–74, p. 461.
[8] *C.P.R.*, 1343–45, p. 12; *C.C.R.*, 1343–46, pp. 23, 97.
[9] *Kalendars of the Treasury*, i. 168.
[10] *Kalendars of the Treasury*, i. 169.
[11] *C.C.R.*, 1354–60, p. 656.

seal, probably, which was used to issue those warrants to the chancery, preserved as regency warrants.[1] These show that as far back as 1287 a keeper of England could issue chancery warrants under his own privy seal; and they inspire writs described in the rolls of chancery as " by the keeper ", or " by letter of the keeper ".[2]

Thus, during the absence of the king, the great seal was replaced by the seal of absence, and the privy seal, which also went abroad with the king, was replaced, to some extent at least, by the private seal of the regent. The administration of the country was carried on by similar seals and by the same routine.

Excepting perhaps the Ordinances of Walton in 1338, no special regulations were drawn up for the use of the seal of absence while the king was overseas. Usually the chancellor had charge of the seal of absence in England, whilst the keeper of the privy seal was in charge of the great seal abroad;[3] and the chancellor appears to have used his seal under conditions very similar to those under which he normally used the great seal of the king.

[1] Chancery Warrants, files 1532, 1533.

[2] *E.g.* writs in file 1532, authorised writs recorded in the Close Rolls for 1338 (*C.C.R.*, 1337–39, pp. 447, 458, 466, 569). The matter is discussed at some length in Maxwell-Lyte's *The Great Seal*, pp. 168-76.

[3] *C.C.R.*, 1337–39, p. 521; *C.C.R.*, 1343–46, p. 97; *C.C.R.*, 1341–43, p. 660; *C.P.R.*, 1345–48, p. 142; *C.C.R.*, 1354–60, p. 656; *C.C.R.*, 1360–64, p. 112. In 1346 J. Thoresby, keeper of the privy seal, used the great seal in his charge whilst still in England (*C.P.R.*, 1345–48, p. 142). In 1359 the keeper of the privy seal took charge only of the great seal in France, and deputed the privy seal itself to another clerk (*C.C.R.*, 1354–60, p. 656).

APPENDIX V

PAYMENTS FOR THE HOUSEHOLD OF CHANCERY RECORDED IN THE HANAPER ACCOUNTS

1329–30	£500 to Chancellor	Exchequer Accts. 211/15.
1331–32	£500 do.	P.R. 176, m. 51.
1332–33	£500 do.	P.R. 178.
1333–34	£500 do.	P.R. 179, m. 35.
1335–36	£500 do.	E.101/211/18.
1336–37	£500 do.	E.101/211/19.
1337, Nov.–1338, Sept.	£355 : 19 : 10 to Robert Stratford. £80 to Richard Bintworth.	E.101/211/20.
1338, Sept.–1339, Sept.	£500 Chancellor's fee	P.R. 184, m. 43 d.
1339, Sept.–1340, Apr.	£275 do.	P.R. 185.
1340, Apr.–1341, Apr.	£500 do.	P.R. 185.
1341–42	£268 : 9 : 10 to R. Bourchier, £231 : 10 : 1 to R. Parvyng, Chancellor's fee.	P.R. 187, m. 47.
1342–43	£500, Chancellor's fee	P.R. 188, m. 44.
1343–44	To J. Thoresby, who held the household from Aug. 27, 1343, to Oct. 5, 1343, £44 : 17 : 6. To Robert Sadington for table, £222 : 1 : 8. To Robert Parvyng and Robert Sadington for robes, summer and winter, £80 : 0 : 0.	(P.R. 189).
1344–45	For household of chancery, £500 "pro feodo consueto pro expensa clericorum cancellarie ad mensam Regis existentium et pro robis eorundem."	E.101/212/3.
1345–46	R. Sadington for Chancellor's fee, £33 : 7 : 0. J. Offord for the same, £466 : 13 : 0.	P.R. 191.
1346–47	Chancellor's fee, £500.	P.R. 192.
1348–49	Chancellor J. Offord, £360 : 15 : 1. To David Wollore, keeping the household of chancery from May 27 to June 17, £24 : 4 : 10. To John Thoresby (for household?) £120 : 0 : 0.	P.R. 194, m. 43.
1349–50	J. Thoresby, Chancellor, £500.	P.R. 195, m. 40.
1350–51	Do. do. £500.	P.R. 196, m. 45.

1351–52	Chancellor, £500.	E.101/212/7.
1352–53	Chancellor (Thoresby), £500.	P.R. 198, m. 35d.
1353, Oct.–1355, Jan.	To J. Thoresby for one whole year, £500; and part of another, £181 : 8s.	P.R. 199, m. 40.
1355, Jan.–1356, Jan.	J. Thoresby, £500.	P.R. 200/40.
1356–57	J. Thoresby, £80 : 5 : 0. Do. £419 : 15 : 0. W. Edyngton, £66 : 14 : 0.	P.R. 201/39.
1357, Jan.–1357, Sept.	Chancellor, £251 : 17 : 0.	P.R. 202/40.
1357, Sept.–1358, Sept.	To W. Edyngton for one year and a part, £533 : 7 : 0.	P.R. 203.
1358–59	Chancellor's fee, for clerks—"ad mensam Regis existentes", £500.	E.101/212/9.
1360–61	Chancellor, £500.	P.R. 206.
1361–62	Do. £500.	P.R. 207/42.
1362–63	To W. Edyngton and to S. Langham, from Feb. 21, 1363, £500. (In the same year is an entry for carrying the rolls to London and away to the "hospicium" of the keeper of the rolls, £3 : 3 : 1.)	P.R. 208/41.
1363–64	S. Langham, £500.	P.R. 209.
1364–65	Do. £500.	P.R. 210/39.
1365–66	Chancellor, £500.	P.R. 211/39.
1366–67	Expenditure not given in detail: there is no mention of two chancellors.	E.101/212/11.
1367–68	To Chancellor, £500.	L.T.R. For. Accts. 2/E. an. 41, 42.
1368–69	Do. £500.	E.101/212/12.
1369–70	Do. £500.	L.T.R. For. Accts. 3/F.
1370–71	To Chancellor minus the cost of the office for four days when it was vacant and the great seal was in the king's hands, £495 : 7 : 11. To Walter Power who held the office in the absence of Robert Thorp, Chancellor, £4 : 0 : 0.	L.T.R. For. Accts. 5/A.
1371–72	To Chancellor minus two days in which the office was vacant after the death of Robert Thorp, £497 : 14 : 0.	L.T.R. For. Accts. 6/A.
1372–73	To Chancellor, £500.	*Ibid.* 7/D.

1373–74	Do. £500.	L.T.R. For. Accts. 8/C.
1374–75	Do. £500.	*Ibid.* 9/D.
1375–76	Do. £500.	E.101/212/14.
1376, Oct.–1377, June and from June–Oct. 1377.	To Chancellor minus 74s. during a vacancy of three days after the death of the king, £496 : 6 : 0.	L.T.R. For. Accts. 11/C.

APPENDIX VI

THE ORDINANCES ATTRIBUTED TO 12 RICHARD II

These ordinances deserve a careful study in themselves. They are attributed by a tradition at least as old as 1560–80, and in all probability considerably older, to the year 12 Richard II. Of their authenticity there can be no possible doubt, and Sir Henry Maxwell-Lyte has recently made extensive use of them in his *Historical Notes on the Use of the Great Seal*. But it has been impossible, within the limits assigned to this work, to discuss fully the difficult problem of the date or even to give a full critical edition of the text.[1]

The text which is printed below is taken from a collation of the three copies extant. These are well known, but it is possible that a further search would reveal others as well. Two are in the British Museum in collections of Hargrave MS., the other in the Ashmole MS. in the Bodleian. The first of the two, the Hargrave MS. 189, occurs in "A complete collection of all the Rules and Orders of and relating to the High Court of Chancery from the reign of King John to the Death of King George the First." It was the work of Nathaniel Booth of Gray's Inn, and contains the name of Frances Hargrave and the date 1792. But the original source of this eighteenth-century copy is not known. The second Hargrave MS. (219) occurs in a copy by Hargrave of work of Sir Robert Cotton. It is described as "Extracts taken out of a copy of a MS. of Mr. Robert Cotton relating to Ye Court of Chancery." The original of this, then, dates at least from the period 1571–1631. The third copy is contained in a folio volume of the Ashmole MS. (1147), containing seven MSS. written on paper by different hands. It occurs in Section VI., and—the catalogue suggests—seems to have been copied about the time of Queen Elizabeth or James I., from an older book compiled probably in the reign of Henry VIII. It is in writing clearly belonging to the period 1580–1620,[2] and is itself much the earliest of the three copies which remain.

This last copy is clearly, however, derived from the same source as that made by Sir Robert Cotton. The internal evidence for both these points to a common source at some period subsequent to the time of Henry V. The Bodleian copy is entitled "Ordinaciones Cancellariae Domini Regis factae Anno Duodecimo Regni Regis Ricardi Secundi et Henrici Quinti," whilst such phrases as "Et in tempore domini Henrici nuper Regis Anglie Quinti", are common to both.

On the other hand the copy of the ordinances made by Nathaniel Booth differs in many small points from the other two, and the original for this was apparently made in the reign of Henry V. It is headed "Hic subscripte sunt Ordinaciones Cancellarie Domini Regis facte anno XII. regni Regis Secundi," and such phrases as "et pro presenti dispensatum est cum Henrico Raye, uno clericorum de prima forma" or "qui pro

[1] A collation has been made of the three MSS., however, and all important variations pointed out.

[2] I owe these dates to the kindness of Dr. Craster of the Bodleian.

presenti sunt Johannes Rowland ", etc., referring to clerks of the reign of Henry V.,[1] make it certain that this redaction of the ordinances belongs to the same reign.

There is thus no original of the ordinances prior to the reign of Henry V. Yet it is all but certain that the tradition is correct which ascribes them originally to the reign of Richard II. It seems highly probable that the title of the Hargrave MS. 189 (from Nathaniel Booth) was copied from the fifteenth-century original, which would place the matter almost out of doubt. In any case, the wording of the phrases which introduce the names of clerks belonging to the reign of Henry V. so clearly suggests an interpolation later than the rest of the document: " et presentes sunt preceptores ", " et pro presenti dispensatum est ", " examinatores qui pro presenti sunt "—that there seems little doubt that the ordinances as a whole date substantially from the reign of Richard II.

A more exhaustive discussion of the time of their issue would be beyond the scope of this present work. It is perhaps worth while, however, pointing out the obvious suitability of the traditional date. In this year, according to Malvern in the *Polychronicon*,[2] it was ordained, " qe nul chartre de pardon de treson ne de autre felonie passe la chancellerie sanz garant de prive seal, forsque en cas ou le chanceller le puisse granter de son office sanz ent parler au roi ". About the same time, moreover, there was clearly an agitation for reform of the office, such as had never been recorded before, the report of which is well worth repeating here in full. In the parliament of 1381 the commons had petitioned the king:[3] " Item ils prient qe . . . vous plese par avis de nostre tres redoute Seigneur suis dit ordeiner un sage, un discret, et le plus suffisant qe l'en poet trover de la Roialme soit il espirituel ou temporel, pur Chaunceller . . . qe l'estat du Chancellerie soit bien examinez, et triez hors les bons a demurrer et les malveises a remoever si pres come homme lour poet conustre, sanz hayne ou affection. Entenduz s'il vous plest qe grant rumour en la Roialme par tout ad estee, et est, q'ils sont pur le graunde partie trop graas si bon en corps come en burse, et trop bien furrez, et lours benefices mal giez, par grevouses oppressions faitz et par eux usez vers le poeple, par colour de lour office," etc.

In reply to this and other complaints, the following was agreed upon: " Et fait a remembrer quant mesmes les articles estoient lues en dit Parlement si fuist assentuz, qe si bien les Clercs de la Chancellerie de les deux principalx Degrees, et les Justices et sergeantz, Barons et Grantz Officers de L'Eschequer, tres-toux et auxint certaines persones des melliours Apprentices de la Loi, serront chargez par lour ligeances et serementz chescune degree par soy, de lour aviser diligealment de les abusions

[1] *E.g.* John Frank, who became keeper of the rolls in 1423 (Foss, *Judges*, iv. 316): Henry Kays, who became keeper of the hanaper in 1410 (*C.P.R.*, 1408–13, p. 208): J Hertelpole, who was described as a clerk of chancery in 1405, and was active for some years after this (*C.P.R.*, 1401–05, p. 233): J. Mapleton, who first received attorneys in England in 1427 (*C.P.R.*, 1422–29, p. 409); and Henry Shelford, who received attorneys in England in 1433 (*C.P.R.*, 1429–36, p. 284). [2] *Polychronicon*, ix. 224. [3] *Rot. Parl.* iii. 101.

tortz et defautz qe furent faites et usez en lours Places. . . . Et qe sur lour advis ent pris chescun des dites degrees et places par soi mettroit en escrit les mischiefs usez en le governaill q'a luy appertient, et avec ce leur avis des remedies a purvoier pur amendement. . . . Et puis apres quant ils s'avoient advis de lours charges et appoints, les meschiefs et remedies, les ditz degres singulerement firent report devant les Seigneurs et Communes a diverses journees, aucuns en escrit et aucuns par bouche, de ce qe lour ent sembloit par leur charge a remedier, dont en partie remede est purveuz en cest Parlementz, si bien c'est assavoir de ceulx de l'Eschequer come de les Marchandies. Et de la Chancellerie si defaute ye serra trovez en lour governaill, le Chanceller ad dit q'il le fera amender a tout son poair, et sanz delay."

Possibly as a result of this demand for reconstruction in the chancery, the chancellor, William Courtenay, Bishop of London, resigned. He was succeeded by Richard le Scrope, who "led the rest of the proceedings" of parliament,[1] and was therefore responsible for the promise made towards the end of parliament, that if any faults were found in the chancery they should be remedied without delay. But he was compelled to resign on July 11, 1382.[2] "Laudabiliter administraverat et prudenter";[3] but not long enough perhaps to carry through any extensive reorganisation of the office. His successor, Robert Braybrook, under the circumstances of his election, was not likely to be a reformer: in any case, he was quickly succeeded, on March 10, 1383, by Michael de la Pole.[4]

This chancellor proved to be a strong partisan of the court party and of the king. In his famous impeachment of 1386 no reference is given, either in the accusations or in his defence, to any reform that had occurred in his office. Indeed he was accused of obstructing a more general movement of reform, said to have occurred in the preceding year.[5] It seems hardly likely that he was responsible in the chancery for such extensive regulations as the ordinances of 12 Richard II.

But it is clear that this period witnessed a movement towards reform in the chancery more definite than any of which we have record until long after the reign of Henry V. In the parliament of 1386 still another committee of reform was set up—to quote Bishop Stubbs—"to hold office for a year to regulate the royal household and the realm, to enquire into all sources of revenue, receipt and expenditure, to examine and amend all defaults and misprisions whereby the king was injured or the law broken, and to hear and determine complaints not provided

[1] Stubbs, *C.H.* ii. 484.
[2] *Foedera*, iv. 150.
[3] Walsingham, ii. 68.
[4] Stubbs, *C.H.* ii. 489.
[5] The movement of reform was said to have taken the shape of a committee of nine lords appointed for this purpose: but there was no such committee recorded in the parliament of 1385. The only committee appointed does not seem to have contained nine lords, nor was its object, as that described in 1386, "pur veer et examiner l'estat du Roi et du Roialme, et dire lour avys coment il purra meuz estre amendes" (*Rot Parl.* iii. 213, 214). Cf. Stubbs, *C.H.* ii. 497, *n.* 4. It may be noted that Suffolk did not defend himself as stated by Bishop Stubbs. He was defended by Richard le Scrope, the chancellor of 1381 (*C.H.* ii. 498).

for by the law".[1] The committee was to act in conjunction with the chancellor, treasurer, and keeper of the privy seal. The chancellor was Thomas Arundel, Bishop of Ely, and a prominent member was William of Wykeham, Bishop of Winchester, who succeeded Arundel as chancellor on May 4, 1389. In the interval the ascendancy of the Appellants witnessed some attempt at reform and constructive legislation. The ordinances of 12 Richard II. would fall within this period, and though there is no further evidence of their production, their general tone might well be due to the influence of either of the two greatest clerical chancellors of Richard's reign.[2]

Ordinaciones Cancellarie [3]

Hic subscripte sunt Ordinaciones Cancellarie Domini Regis facte anno XII. regni Regis Ricardi Secundi.[4]

Ordinatum est per dominum Cancellarium Anglie, et per duodecim clericos de prima forma ad robas in Cancellaria domini Regis concordatum, quod inter omnes clericos de Cancellaria, tam de numero quam de gestu ipsorum, de cetero teneatur et observetur ordo subscriptus, videlicet.

(1) Imprimus [5] cum ab antiquo ordinatum fuit quod Custos Rotulorum Cancellarie predicte pro tempore existenti haberet tres clericos scribentes in eisdem rotulis, et non plures, pro eo tamen quod negocia in dictis rotulis inserenda indies confluunt, multo magis quam solebant, ordinatum est quod idem Custos jam habeat sex clericos et non plures, scribentes in rotulis predictis ex causa predicta, proviso quod nullus eorundem clericorum sic scribentium uxoratus existat.

(2) Item quilibet predictorum duodecim clericorum ad robas habeat tres clericos ad magis hujusmodi condicionis, scilicet non uxoratos, manibus suis propriis scribentes sub nomine magistri,[6] ad Sigillum domini Regis in Cancellaria predicta. Et quod nullus eorundem duodecim plicet brevia

[1] *Ibid.* ii. 499.

[2] This is particularly the case in the care which the ordinances show for the old clerical traditions of the office, and their repeated exclusion of married clerks. The first reference to these that I have noticed in the records is a grant on March 1, 1411, to Master Ralph Grenehurst, doctor of laws, "that he be the king's notary and one of the king's clerks of the first form in Chancery, as was Master Richard Ronhale deceased. The king is unwilling, however, that by colour of the present grant to Richard who is bound by the matrimonial bond, others of this conjugal position shall be raised in future to this estate and grade" (*C.P.R.*, 1408–13, p. 272). But of course they may have existed much earlier.

[3] The abbreviations used are:
A. Hargrave MS. 189.
B. *Ibid.* 219.
C. Ashmole MS. (Bodleian) 1147, vi. p. 116, *et sequ.*
In C the heading is *Ordinaciones Cancellariae Domini Regis factae Anno Duodecimo Regni Regis Ricardi Secundi et Henrici Quinti.*

[4] Omitted in C.

[5] B begins here. The paragraph numbers are my own.

[6] C adds *sui.*

communiter ad sigillum predictum, preter prefatum Custodem Rotulorum et preceptores per Dominum Cancellarium nominandos et preficiendos, nisi ex [1] liberacione et precepto ipsius Domini Cancellarii vel ejusdem Custodis; et presentes sunt [2] preceptores, Johannes Hartipole clericus et Johannes Ffranke clericus.

(3) Item quod iidem duodecim clerici ad robas in hospiciis propriis, seu saltem conductis insimul per se, vel divisim et non inter alios minoris gradus aut status, hospitentur et conversentur, propter honestatem honoris et gradus eorundem, sub pena expulsionis a Curia.

(4) Item propter multiplices causas necessarias Curie satis notas, custos hanaperii Cancellarie predicte, cujuscunque status seu condicionis sit vel fuerit, in futurum nec clericis [3] ejus ullo modo scribi faciat ad sigillum predictum, nomine suo proprio vel sub nominibus aliorum, nec aliqua brevia ad manus Cancellarii ponat sigillandum, nisi hujusmodi custos de prima forma fuerit et ab antiquo eruditus sciverit cursum ejusdem Curie,[4] et cum quo Cancellarius pro tempore existenti de consensu predictorum clericorum de prima forma gratiosius voluerit dispensare. Et [5] pro presenti dispensatum est cum Henrico Raye, uno clericorum de prima forma, jam custode hanaperii predicti, qui ab antiquo eruditus scit cursum ejusdem Curie.

(5) Item, quod omnes clerici de secunda forma, extra hospicium prefati Custodis Rotulorum, seu alicujus alterius clerici de prima forma comorantes, in hospiciis [6] ipsorum clericorum de secunda [7] forma propriis seu aliis per ipsos conductis, insimul per se vel divisim, et non inter alios minoris gradus, consimiliter morentur, hospitentur, et conversentur, propter honestatem gradus [8] eorundem clericorum et Curie, sub pena supradicta, scilicet amocionis a Curia. Et quod quilibet ipsorum habeat sub nomine suo unum clericum, duntaxat minime uxoratum, scribentem ad sigillum predictum, exceptis duobus Clericis de Corona qui sunt de eadem forma; quorum uterque, propter varia [9] negocia dominum Regem tangentia, que indies confluunt, habeat cum necesse fuerit duos clericos, tantum et non plures, scribentes ad sigillum predictum, nisi in [10] necessitatis articulo et hoc per dispensacionem prefati domini Cancellarii pro tempore existenti.

(6) Item, quod nullus eorundem clericorum de secunda forma, brevia sua de cursu, nec aliquis cursista de Cancellaria predicta aliquas cartas, litteras patentes, seu brevia sua ponat ad manus Domini Cancellarii, nec coram ipso, nisi [11] per unum dictorum clericorum de prima forma prius examinentur, vel nisi per eundem Dominum Cancellarium super hoc

[1] A *et.*

[2] A *Fuit.* B and C *Et in tempore Domini Henrici nuper regis Anglie quinti ordinati fuerunt preceptores Johannes Hartpoole Clericus et Johannes Frank Clericus.* [3] A *clerici.* [4] *Curie* omitted in B and C.

[5] B continues, *ut in tempore predicti Domini Henrici nuper Regis Anglie quinti dispensatum est cum Henrico Keyes uno clericorum de prima forma tunc Custode Hanaperii predicti qui ab antiquo eruditus et scivit cursum ejusdem Curiae.* C has "*ut in tempore Domini Henrici*" etc. as in B.

[6] B *Hospitio.* [7] A *sua.* [8] A *in gradus.*

[9] A *paria.* [10] *In* omitted in A. [11] *Nisi* omitted in A.

mandatum habeat speciale. Similiter nec clerici de Corona ponant brevia et commissiones que facient in manibus prefati Domini Cancellarii, nisi ex certa causa eis per ipsum Dominum Cancellarium primitus intimata.[1]

(7) Item, quod omnes predicti clerici de secunda forma, exceptis clericis de parva baga, cum uno clerico vel duobus clericis, ac clerico pro scrutinio rotulorum Cancellarie predicte in Turre Londoniensi, et clerico pro lectura recordorum et placitorum dicte Cancellarie, sedeant extra barram ejusdem Cancellarie, tempore sigillacionis et placitorum tenendorum, in locis eis assignatis, prout ab antiquo fieri consuevit, ac eciam [2] extranei nisi certis de causis evocentur.

(8) Item, quod omnes predicti clerici, tam de prima quam de secunda forma, ordinem suum prout in rotulo inseruntur, teneant in liberacionibus hospicii [3] ad parliamenta et consilia, eciam de sessionibus suis in mensa infra Curiam ac in Curia, cum apud Westmonasterium vel alibi fuerit.[4] Et quod quilibet cedat alii in premissis, et eciam in honoribus et reverenciis, juxta formam eleccionis et prefeccionis eorundem, prout ab antiquo fieri consuevit.

(9) Item, quod aliquis de prima vel secunda forma non sedeat in hanaperio Cancellarie predicte, nec in hanaperio de communi banco, ad aliqua brevia ibidem legenda et ea [5] partibus prosequentibus liberanda, propter honestatem gradus et Curie.

(10) Item, quod predicti clerici de prima forma et [6] non alii recipiant Recognitiones Manucaptiones, sacra [7] et affidavita auctoritate [8] sua propria in curia et extra curiam prout antiquitus ordinatum est, et consueverunt gradus et Curia ; quod predicti clerici de prima et secunda forma recipiant attornamenta auctoritate sua [9] propria, in Curia et extra, prout antiquitus consueverunt. Indorsentur tamen brevia per ipsos de secunda forma facienda [10] de licencia alicujus de prima forma. Et cum iidem clerici de secunda forma attornamenta [11] hujusmodi receperint, in forma predicta, brevia inde, infra quindecim dies postquam iidem clerici [12] ad Curiam redierint, scribi faciant et sigillari, unde faciant fidem. Quodque examinatores nec alii, hujusmodi brevia de attornamentis ultra dictos quindecim dies de manibus ipsorum non recipiant, quovis modo generale vero attornamentum [13] recipiant clerici de prima forma duntaxat.

(11) Item, quod omnes predicti clerici de prima et secunda forma, et [14] precipue examinatores, qui pro presenti [15] sunt Johannes Rowland, Johannes Sprygthorpe, Willelmus Aghton, Johannes Thorowy, Johannes Mapleton, et Henricus Shelforde,[16] vel tres eorundem examinatorum,

[1] A *Insumatur.* [2] A blank space of more than one line occurs here in B.
[3] A and C *hospiciorum.* [4] C *fuerunt.* [5] A *ex.*
[6] The words *forma . . . prima* appear in B and C, but are omitted from Sanders. [7] B *sacrum,* indistinct.
[8] *Auctoritate* omitted in B. [9] B *in sua.*
[10] *Facienda* omitted in B. C omits *facienda de licencia alicujus de prima forma. Et cum iidem clerici de secunda forma.*
[11] B *attornatos.* [12] *Iidem clerici* omitted in A.
[13] B and C *generales attornatos.* [14] *Et* omitted in A.
[15] B and C *tempore Regis Henrici quinti fuerunt.*
[16] The names given differently in B are *Springthorp, Thoroldby.*

ad minus singulis terminis anni consuetis, Curie Cancellarie predicte, pro negociis domini Regis et Republice ibidem expediendis, personaliter intersint,[1] prout antiquitus fieri consuevit, nisi ipsorum clericorum absencia per infirmitatem aut aliam causam racionabilem valeat excusari.

(12) Item, quod de cetero sint viginti et quatuor cursiste in Cancellaria predicta, et non plures, qui brevia per ipsos conficienda manibus suis propriis scribant, nisi illi qui fuerint senes, languidi, aut impotentes, cum quibus Curia graciose voluerit despensare, in quo casu habeat quilibet eorum, sub nomine suo, unum clericum sufficientem et non uxoratum duntaxat, scribentem ad sigillum predictum.

(13) Item, quod cursiste predicti, et omnes alii clerici qui dicte Cancellarie, propter doctrinam et scripturam,[2] adherere voluerint, extra hospicium prefati Custodis Rotulorum, vel alicujus clerici de prima vel secunda forma, comorantes, uno[3] vel diversis hospiciis honestis ad invicem[4] morentur, et non inter apprenticios legis, attornatos aut alios extraneos; nec habeant inter se comorantes attornatos aut clericos aliarum placearum, seu alios quoscumque, formam modum et actum ejusdem Cancellarie minime exercentes, sub pena expulsionis a Cancellaria predicta ac privilegio et[5] libertate ejusdem. Et[6] quod principales hospiciorum hujusmodi, in primaria condicione eorundem in Cancellaria predicta, jurentur quod ordinacionem illam[7] in omnibus fideliter observabunt. Et quod nulli hujusmodi principales fiant nisi ad scribendum nomine suo proprio prius admittantur; quodque uxorati non existant. Ac insuper quod duo vel plures predictorum clericorum de prima forma assignentur bis in anno, videlicet ad terminos Pasche et Sancti Michaelis, vel saepius sic[8] si indiguerint ad supervidendum quod premissa fiant et observentur in forma superscripta. Et pro presenti[9] assignantur prefatus Custos Rotulorum, Johannes Hartipole, Johannes Ffranke, Henricus Raye et Johannes Mapleton.[10]

(14) Item, quod uxorati non scribant ad sigillum predictum, nec ad hoc de cetero admittantur, nisi duo Clerici de Corona et eorum clerici, ut premittitur, ac illi qui successive intitulabuntur ad scribendum ad Coronam; exceptis illis qui jam[11] scribunt ad sigillum supradictum, quorum nomina subsequuntur, videlicit, Harland Nicholaus Augworth[12] Dalbye Ricardus Coleman Legge. Sed quod prefati cursiste, et eorum singuli nondum uxorati, ac omnes clerici predictorum clericorum, tam prime forme[13] quam secunde, nec non clerici illorum cursistarum qui ad habendos clericos ex causis premissis licenciati fuerint, postquam uxorati

[1] B and C add *intendant et.*
[2] C *scripturam suam.*
[3] C *in uno.*
[4] B *invisem.*
[5] *Et* omitted in B (supplied in brackets by Sanders).
[6] A new paragraph begins here in B and C.
[7] *Illam* omitted in C.
[8] *Sic* omitted in C.
[9] B *et tempore predicti Henrici Quinti assignabantur prefatus Custos,* etc. So also C, but omits *prefatus Custos Rotulorum.*
[10] The names in B are *Hertipoole, Frank, Keyes* and *Mapleton.* B and C continue: *supervisores ad premissa in forma predicta perimplenda.*
[11] *Jam* omitted in A.
[12] B *Aynesworth*; C *Aynsworth.*
[13] *Forme* omitted in A and B: given *forma* in C.

existant eo [1] ipso statum, libertatem, et [2] privilegium Cancellarie predicte, amittant, et inde penitus priventur [3] et amoveantur. Et quod nullus de eadem Cancellaria de cetero utatur vestibus strigulatis aut manicis [4] scissis, seu aliis vestibus diversorum colorum in Curia, sub pena amocionis ab eadem Cancellaria; prefatis duobus clericis de Corona duntaxat exceptis.

(15) Item, quod nullus scribat ad sigillum predictum nisi sit juratus domino Regi, et admissus pro cursista ad scribendum nomine suo proprio, exceptis clericis illorum de prima forma et secunda,[5] sub nominibus magistrorum suorum scribentibus, ac eciam clericis illorum cursistarum qui ad hoc licenciati fuerint in forma predicta, quorum quidem cursistarum nomina subsequuntur, videlicet, Licister,[6] Osceby,[7] Cliderowe,[8] Sireston.[9] Et quod nullus hujusmodi cursista fiat nec recipiatur ad scribendum nomine suo proprio ad sigillum predictum absque debita et sufficienti examinacione in futuro prout antiquitus fieri consuevit.

(16) Item, quod nulli clerici de Cancellaria predicta, in partibus ad quas declinant negocia, inhonesta assumant, nec alia faciant de quibus scandalum Curie oriatur, nec recipiant pecuniam improprie [10] pro graciis in Curia expediendis. Sed si pro amicis ob vel pro pecunia ad opus suum recipienda, gracias [11] voluerint impetrare, palam exponant [12] Domino Cancellario vel Custodi Rotulorum ac preceptoribus, qui eos gratiose tractabunt in hujusmodi [13] negociis, pro eorum honore et commodo concedendo; sub pena amocionis a Curia ut predictum est.

(17) Item, quod omnes predicti [14] cursiste, exceptis illis licenciatis, brevia per eos et non per alios scripta, liberent examinatoribus, manibus suis propriis vel aliorum ad sigillum predictum juratorum,[15] et [16] examinatores hujusmodi brevia [17] non recipiant a manibus aliorum quam a manibus eorundem, et postquam ea receperint, illa non restituant [18] antequam consignentur propter multiplices fraudes que ex contrario hactenus evenerunt.

(18) Item, quod nullus de cancellaria ad hospicium domini Regis, seu Cancellarii Anglie, aut custodis privati sigilli pro tempore existenti, declinare presumat pro negociis Curie cumulandis, aut iniquis consiliis ibidem dandis, seu secretis Cancellarie detegendis, aut pro billis seu litteris de privato sigillo aliqualiter perquirendis; sub pena amocionis a Cura.[19]

[1] B *de*.
[2] *Et* omitted in A and B.
[3] *Priventur* omitted in B.
[4] *Strigulatis aut manicis* omitted in A (there is a blank in the MS.). Sanders has indicated this in his copy: they are given in B and C, the former, however, having *stragulatis*.
[5] B has *de prima et secunda forma*.
[6] B *Lynster*; C *Linster*.
[7] *Osceby* omitted in C.
[8] B *Clethero*.
[9] B has *Sereston*, C *Syreston*.
[10] C has *in patria*.
[11] B *grave*.
[12] C *exponatur*.
[13] As in C.
[14] B *clerici*.
[15] A *curatorum*. Sanders has copied this with a query.
[16] *Et* omitted in A.
[17] *Brevia* omitted in B.
[18] C has *restituantur*.
[19] Here occur in C two lines copied by mistake from paragraph XXIV. of the *Ordinacio* and then crossed out; *Item quod nullus recipiatur ad primum vel secundum gradum nisi per debitum eleccionem et maturitatem.*

(19) Item,[1] quod nullus cursista, nec alius scribens ad sigillum predictum, fiat attornatus inter partem et partem in aliquibus placitis, querelis, causis seu materiis, pendentibus [2] sive movendis, in aliqua Curia extra dictam Cancellariam,[3] nec sese de [4] aliquibus hujusmodi attornamentis aliqualiter intromittat, nisi per litteras domini Regis patentes fuerit generalis attornatus; sub pena amocionis a Cura ut predictum est.

(20) Item, quod omnes predicti Clerici, tam de prima quam de secunda forma, ac eciam cursiste qui nunc sunt et eorum successores, in primis intracionibus [5] suis, jurentur ad premissa omnia et singula, firmiter et inviolabiliter tenenda et observanda, prout ad quemlibet ipsorum pertinet, in forma predicta.

(21) Item, cum in primaria fundacione Cancellarie predicte, per nobiles progenitores domini Regis [6] Anglie, ordinatum fuit quod Cancellarius Anglie sive Custos Magni Sigilli Regis pro tempore existenti racione [7] officii sui, ad omnia et singula beneficia ad presentationem regiam spectantia, ac [8] admissionem institucionem et inductionem ordinariam requirentia, et taxam viginti marcarum non excedentia, clericos Curie Cancellarie predicte, iuxta eorum status et gradus, pro ipsorum promocione ac conservacione [9] status ejusdem Curie, presentaret, placeat domino Regi premissa considerare [10] et ulterius concedere quod ordinacio predicta pro promocione clericorum predictorum et conservacione Curie predicte, que fundamentum [11] originale legis regni sui Anglie existit, futuris temporibus firmiter teneatur et observetur.

(22) Item, quod omnes predicti clerici de prima et secunda forma, dum in Curia steterint, et eciam postquam ab eadem gratis et non expulsi recesserint, ac eorum servientes et [12] ministri, habeant omnimodum libertatem, quietanciam [13] et privilegium Cancellarie predicti, ac si in Curia residerint, ac eciam cursiste dum in eadem Curia steterint, prout hactenus fieri consuevit.

(23) Item,[14] quod omnes clerici clericorum de prima et secunda forma, ac eciam illorum cursistarum qui ad habendos clericos licenciati fuerint, coram prefato Custode Rotulorum et uno preceptore vel examinatore [15] jurentur quod ipsi omnia et singula brevia sub nominibus magistrorum suorum facienda [16] manibus suis propriis [17] scribant. Consimiliter, quod omnes clerici de elemosinariis [18] Cancellarie predicte quilibet scribat sub nomine alicujus predictorum clericorum de prima vel [19] secunda forma.

[1] Before this item in C is written, in a later hand: *At the Comon Lawe.*
[2] A *pendendis.*
[3] B *extra curia predicta Cancellarie*; C *extra dicta Curia Cancellariae.*
[4] *De* omitted in A.
[5] B and C *creationibus.*
[6] A continues, *nunc quondam Regis.*
[7] B *execucione.*
[8] A *ad.*
[9] B and C *confirmatione.*
[10] A *consideratione*; B and C *considerari.*
[11] B *fundamenta et originale Regis Regni Anglie existit.* C also has *Regis.*
[12] Omitted in A.
[13] C has *libertates, quietancia.*
[14] Paragraph XXIII. precedes XXII. in C.
[15] A *eorum preceptoribus vel examinatoribus*; B *et uno preceptorum vel examinatorum*; C *et uno preceptore vel examinatore.*
[16] A *fienda*; B *faciendorum.*
[17] *Propriis* omitted in B.
[18] B and C *Elemosinaria.*
[19] B and C, *et.*

(24) Item, quod nullus recipiatur ad primum vel secundum gradum, nisi per debitam eleccionem et maturitatem clericorum de prima forma tunc presencium ; et de eorum majori et seniori consilio procedat Cancellarius de persona facienda. Et quod talis clericus domino Regi et populo in Curia debitis temporibus deserviet, juxta officii sui debitum, absque eo quod se in Curia aliquamdiu abstinet, nisi infermitas vel alia causa legitima hoc excuset.

(25) Item, quod carte et littere patentes que fiunt per brevia de privato sigillo, clausa, et peticiones,[1] ac alie carte et littere patentes quecumque, magnum feodum magni sigilli domini Regis, scilicet, duodecim marcarum et novem solidorum, vel parvum feodum ejusdem sigilli, scilicet, XXIIs. et IIIId., requirentes, ac eciam brevia per hujusmodi warranta fienda, et ardua [2] negocia, per ipsos clericos de prima forma communicentur et tractentur, ac inter eos et predictos clericos [3] de secunda forma distribuantur fienda, prout ab antiquo fieri consuevit. Alie vero littere patentes minoris feodi, per billas de privato sigillo, et Thesaurario [4] Anglie aut ejus deputatis,[5] seu aliis ex officio confiendas, videlicet de proteccionibus, generalibus attornatis, custodiis commissis, collacionibus presentacionibus, permutacionibus et ratificacionibus beneficiorum ecclesiasticorum, et hujusmodi,[6] ac eciam alia brevia de forma et de cursu quecumque, tam per prefatos cursistas quam per predictos clericos de prima et secunda forma de cetero fiant prout antiquitus fieri consuevit.[7]

[1] A *peticiones*; B and C *clausa et patentes peticiones ac aliae cartae*. Sanders has substituted *protectiones*.

[2] A *omnia*.

[3] *Clericos* omitted in A.

[4] This is abbreviated in the MSS. Expanded *Thesaurarie* by Sanders.

[5] This is abbreviated in the MSS. Expanded *deputatus* by Sanders.

[6] *Et hujusmodi* omitted in B.

[7] A omits *de cetero fiant prout antiquitus fieri*. According to Sanders (following MS. A.) the MS. is apparently imperfect or defective in the conclusion, but this is only a conjecture.

APPENDIX VII

UNPUBLISHED DOCUMENTS

Chancery Warrants, F. 1538/22. A Communication from the Council. March 18, 1335.[1]

Saluz et bon amour. Come noz chers en dieu le Supperiour et Covent de Merton nous aient certefietz par leur lettres patentes queles nous vous enveoms encloses desoutz le seal nostre cher et foial monseigneur William de Montagu, par raison qe adonkes avioms ailleurs mande nostre cher vadlet William Trussel, qe leur . . . Priour est mort, et nous a leur requeste leur avoms done conge de autre Priour eslire ; vous mandoms que . . . ceo, leur facez faire lettres desoutz nostre grant seal come afierent en ceo cas. Et pour ceo qe nous voullantz al ditz Superiour et covent, en descharge de lour travail et custages, faire grace especiale, avoms commis a nostre cher fuitz . . . Counte de Cestre de accepter lour eslit et de recevire sa foialte et a delivrer ses temporaltez et a parfaire qe covendra en tiel cas : vous mandoms qe al dit Conte nostre fuitz faitez faire plaigne Commission qe porra souffire a cest endroit et ceo si hastiement come vous porretz. Donne a nostre Tour de Londres desoutz le seal monseigneur William avantdit le XVIII iour de Martz.

par le Consail.

Chancery Warrants, F. 1336/56

Letter under the Griffin Seal (1335–40),[2] directing that presentation to Churches, etc. on Lands reserved to the King's Chamber, be made in future only by virtue of Warrants under the Secret or Griffin Seal.

depar le Roi.

Reverent piere en dieu, Come nous eons reservez a nostre Chambre touz les feods des Chivalers, auowesons des eglises, Chapelles et hospitales, de queconque taxe qelles soient, reversions, eschetes, forfaitures et autres profitz queconques, qi sont en nostre main, et qi a nous en queconque manere pourront escheier, es parties de Holdernesse en lisle de Wight, et qi sont appourtenantz ou annexes as Chastelx Manoirs Priories, terres et tenementz ensi reseruez a nostre dite Chambre par tout nostre roialme Dengleterre, et volons ent ordeiner et faire solom ce qil nous semble qe plus soit a nostre honour et profit, vous mandons qe des choses avantdites ne facez mye presentement ne autres lettres patentes ne closes desouz

[1] The warrant must have been issued before the promotion of Montague to an earldom in 1337. A letter signifying the royal assent to the election of a prior was issued on March 24, 1335 (*C.P.R.*, 1330–34, p. 87), so that the warrant was probably issued on March 18, 1335. In form it is a letter from the king, under the seal of William Montague ; but the endorsement *Par le Consail* makes it most probable that it came via the council.

[2] The griffin seal only came into general use in 1335, whilst the letter must have been written before the advent of a lay chancellor in 1341, and probably during the organisation of lands reserved to the chamber before 1340.

nostre graunt seal, sil ne soit par especial mandement desouz nostre secre seal ou desouz nostre seal de Griffoun. Donne souz nostre secre seal a Westm' le XII iour Doctober.

Ancient Correspondence, 39/88. Letter from John of Saint Pol, Keeper of the Rolls of Chancery, to the Keeper of the Privy Seal. June 26, 1340.[1]

" A soun Trescher Tresfiable seignour et Amy, si lui plest, honours et totes reverences. Purceo Sire qe les Ffreres del Hospital Seint Nicholas pres de la ville de Cardoill, laquele est de la fundacioun les auncestres nostre Seignour le Roi, et de sa donesoun, moi aunt certifie qe Thomas de Goldington, Gardien du dit Hospital ad taunt enpoveri et destruit la dite Mesoun qils ne poent avoir lour sustenaunce a la moite, sicome avoir diussent. Et moi ont requis, pur dieu, destre aidaunt, qe remedie y soit fait, vous pri sire, sil vous plest, sicome ieo maffie en vostre seignourie, qe vous voillez estre aidaunt a Thomas de Atton mon pauvre Cosyn portour de cestes qil puisse avoir la lettre le Roi du privee seal al chaunceller, qe si la dite Maison soit destruit et enpoveri, come devaunt est dit, qil face assigner moun dit Cosyn, si vous plest ou autre clerk convenable, issint qe la dite Maisoun par cele enchesoun ne soit destruit ne anientz. La quele chose, sil aveusist, serroit grant peche et damage. Ceste chose, sire sil vous plest voillez faire a ma requeste sicome a celui qe toutz iours serra prest a voz commaundementz, voz volontez sire, sil vous plest touts iours moi voillez recomaundez come a le vostre. Trescher Sire, dieu vous doun honour et bone vie et longe. Escrit a Loundres le XXVI iour Juyn, par le soen Johan de Seint Paul."

Exchequer Accounts, E.101/212/1

Letter under the Privy Seal of Prince Edward, Keeper of England, to William Ravendale, Keeper of the Hanaper, July 12, 1340.

Edward eisnez filz au noble Roi Dengleterre et de Ffrance Ducs de Cornewaill Counte de Cestre et gardein Dengleterre, A nostre cher clerc sire William de Ravendale gardein del haneper de la Chancellerie nostre dit tres cher seigneur et piere le Roi saluz. Nous vous mandons que la chartre par quelle nostre dit tres cher seigneur ad grante a noz chers en dieu freres del ordre de Seint Austyn qils peussent founder une novelle maison de lour dit ordre en la ville de Northalverton, facez liverer a meismes les freres quite du fee qe a nostre dit tres cher seigneur en celle

[1] Goldington had been appointed Guardian, by warrant of privy seal, on January 5, 1334 (*C.P.R.*, 1330–34, p. 491). The letters of appointment were exemplified on January 13, 1340, " by K " (*C.P.R.*, 1340–43, p. 82). A commission of inquiry was issued on July 25, 1340 (*ibid.* p. 89), warranted by privy seal. The report of the inquiry is given (*ibid.* p. 119-21).

partie apartient. Et ceste lettre vous serra garant. Donne souz nostre prive seal a nostre Manoir de Kenyngton le XII iour de Juyli Lan du regne nostre dit tres cher seigneur et piere le Roi Dengleterre quatorzisme et de son regne de Ffrance primer.

A. sire William de Ravendale gardein del Haneper de la chancellerie nostre seigneur le Roi par le Ducs de Cornewaill gardein Dengleterre.

Chancery Warrants, 317/18171. Letter of Privy Seal (March 18, 1347). Forbidding the Chancellor to present to Churches, etc. on Lands reserved to the Chamber, without Warrant under the Griffin Seal.

Edward par la grace de dieu Roi Dengleterre et de Ffrance et Seignour Dirlande a nostre cher clerc mestre Johan Dufford Dean de Nicole nostre Chanceller, salutz. Come le patronage de leglise de Childre Langele appent a nous par cause du manoir de la dite ville esteante en nostre main et reservez a nostre Chambre, et vous avez fait presentez a telle eglise un de vos clercs sanz nostre scien et volente, encleyment le apparteigner a vous a presenter par cause de vostre office, et navez voluz accepter nostre clerc en qi nous voucheasmes, saufe celle eglise, de quoi nous nous tenons a malpaiez, et volons qe desore enavant qe les eglises Chapels et Chanteries apportenantz as Chastelz, manoirs, Priories aliens, terres et tenementz, reservez a nostre dite Chambre de quecunque taxe quelles soient, come elles voideront, des queux benefices nous volons qe vous soiez certefiez en nostre Chancellerie par nostre cher clerc Philip de Weston Seneschal de nostre Chambre, soient presentez par nous meismes et qe les garantz y soient directez a vous par noz lettres desouz nostre seal de Gryffon, et en nulle autre manere. Si vous mandons qe desore enavant ne facez faire nulles presentementz as tieles eglises, Chapels et Chanteries, de quecunque taxe qelles soient, si noun par nostre mandement speciale, desouz nostre dit seal, a queux mandementz ensi directez a vous desouz mesme le seal soient entendant . . . et effect dycelles, endroit de tieles eglises, Chapelles, et Chanteries et toutes autres choses touchantes nostre dite Chambre. Donne souz nostre prive seal devant Calais le XVIII iour de Martz Lan de nostre regne Dengleterre vintesme primer et de Ffrance oytesme.

On the dorse is written " qe le chanceller ne presente mie a les eglises qappartionent as terres ou tenementz tochants la Chambre le Roi."

Chancery Warrants, F. 446/31097. Letter of Privy Seal (October 1, 1376), making a Grant of 40 marks a year to Walter Skirlaugh, newly promoted to the rank of Greater Clerk, and deposing John Bouland from his position in the same rank.

Edward par la grace de dieu Roy Dengleterre et de Ffrance et Seigneur Dirlande A nostre cher et foial Johan Knyvet nostre Chaunceller saluz. Come pour les suffissance et loialtee a nous tesmoignees de la persone de nostre bien ame Mestre Wauter Skirlawe Ercedekne de Estrithyng

Doctour es Leys, si lui avons retenuz devers nous pur demorer en nostre Chancellerie tantcome nous plerra en mesmee les office estat lieu et degree es queux Mestre Johan de Branketre qi dieux assoill estoit quant il vivoit et pur le bon service qe le dit Wauter nous ferra en dit office lui avons grantez de nostre grace especiale quarante marcs a prendre chescun an a nostre Escheqer a les festes de Pasque et de seint Michel par oveles porcions tanque nous eons autrement ordenez pur son estat, Veullantz qe Johan de Bouland Clerc soit du tout oustez del estat et degree queux il occupe de present en nostre dite Chancellerie et qe noz lettres patentes a lui nadgaires faites desouz nostre grant seal de quarante marcs a prendre annuelement a nostre dit Escheqer souz certeine forme comprise en ycelles soient du tout repellees Sur quoi vous mandons qe sur ce facez faire noz lettres desouz nostre grant seal en due forme, Donne souz nostre prive seal a Westm' le quart iour Doctobre Lan de nostre regne Dengleterre cynquantisme et de Ffrance trente septisme.

Ancient Correspondence, 40/192. Letter from the Mayor and Commonalty of Bristol to the Chancellor (1372–77)

Honourabili viro domino Johanni Knyvet illustris domini nostri Regis cancellario, Maior et Comunitas ville Bristollie suburbiorum et procinitus euisdem reverentia cum honore, Sciatis nos de communi assensu nostro eligisse tres personas de nobismet ipsis, videlicet Thomam Beaupyne Willelmum Coumbe et Willelmum Somerwelle ut de ipsis tribus personis per ipsum dominum nostrum Regem aut consilium suum unus in vicecomitem Bristollie eligatur et per litteras euisdem domini nostri Regis patentes per unum annum duraturas proficiatur iuxta libertates nobis per prefatum dominum nostrum Regem concessas ad faciendem in omnibus que ad officium vicecomitis in comitatu Bristollie pertinent. Et hoc vobis certificamus per presentes. In cuius rei testimonium sigillum nostrum commune presentibus est appensum. Data in Gihalda Bristollie die Jovis proximo ante finem Sancti Michaelis Arch-Angeli Anno Regni Regis Edwardi tertii post conquestum quadragesimo octavo.
(Dorse : patens . . . ele . . . vic'.)

Ancient Correspondence, 56/103
Resignation of William Burstall, September 7, 1381.[1]

Tres excellent et tresredoubte Seignour Jay eien voz tresgraciouses lettres queles sont a moy molt ioieuses, toutdys moy recomaundaunt et enmerciaunt a vostre tresnoble Seignourie de ce qil vous ad plu qe ieo fuisse vostre officer, et tresexcellent Seignour se id ye servy en ycelle a vostre plesance il me plest sur toutes choses apres la plesance dieu et si iay autrement, vraiment cest de negligence et noun pas de volente, dont ieo me mette touz iours en vostre grace et Seignourie, et tresexcellent

[1] His successor was appointed on September 8, 1381 (*C.P.R.*, 1381–85, p. 41).

seignour il est ensy qe ieo su devenuz en si graunt age et feblesse qe ieo ne suffice de outre laborer en le dite office come mestier serroit par quoy plese a vostre tres redoubte Seignourie moy tenyr et avoir del dite office pour pleinement excuse (et) ent ordener a vostre plesance come mielz semblera a vostre tres excellent Seignourie pour honour et profit de vous et de vostre Roialme, et moy comaunder par voz honourables lettres a qi vous volez qe ieo delivre voz Roules et ceo qe appartient a mesme loffice. Et outre ceo tresredoubte seignour sil vous plese, avoir regard a mon long service et travaille et qe ieo puisse principalment avoir vostre tres graciouse Seignourie et recours a ycell quant ieo ein busoigne, Tresnoble et tresredoubte seignour, lui tout puissant vous sauve et meinteigne en ioie et prosperite, a plesance de luy et bone gouvernaille de son poeple. Escrite a Londres le septisme iour de Septembre, Vostre petit clerk, William de Burstall.

(Dorse) a tresexcellent et tresredoubte nostre Seignour le Roy.

INDEX

Acum, Henry, spigurnel of chancery, 86 *n.*
Airmyn, Adam, 152 *n.*, 154 *n.*, 165, 165 *n.*
Airmyn, Richard, 157; keeper of *Domus Conversorum*, 204
Airmyn, William, 165, 165 *n*; keeper of *Domus Conversorum*, 58, 92; keeper of the rolls of chancery, 58; Bishop of Norwich, 91, 153
Anonimalle Chronicle, 132, 134, 135, 137, 180
Anti-clericalism, 112, 114, 115, 120, 125, 130, 132, 141, 142, 183, 184, 186
Appleby, Thomas, Bishop of Carlisle, 133
Articuli super Cartas, 13, 95
Arundel, Richard Fitzalan, Earl of (*ob.* 1376), 131, 156 *n.*, 186 *n.*; Justice of North Wales, 103 *n.*, 104 *n.*; in the crisis of 1341, 112 *n.*; supporting John of Gaunt, 1371, 125, 130; on the committee of 1373, 131; in the council of 1376, 137
Arundel, Thomas, Bishop of Ely, 141, 217
Ashton, Robert, treasurer, 136
Askeby, Robert, chancery clerk, 67 *n.*, 89 *n.*, 186 *n.*
Askham, John, chancery clerk, 80
Attorneys, receiving of in chancery, 54, 79, 80, 86
  chancery clerks as, 88
Audley, Hugh, 156 *n.*, and *see* Gloucester, Earl of
Avesbury, Robert, 111, 112 *n*

Badlesmere, Bartholomew, Lord, 100, 101, 153 *n.*
Baldock, Robert, 151, 163, 164, 179; keeper of the privy seal, 11 *n.*, 15; chancellor, 33 *n.*, 62 *n.*
Balliol, Edward, seal of, 89, 89 *n.*, 165
Bamborough, Thomas, chancery clerk, 80, 103, 148 *n.*, 150, 151, 163, 165 *n.*, 179, 199, 200, 205
Bardelby, Robert, 163
Baronage: aims of in 1341, 182, 183 *n.*; Edward III.'s attitude towards, xxx, 143, 144; ideals of, 143, 144; influence in chancery, 178, 179; opposition to Edward III., 98, 111, 113; opposition to Henry III., 195, 198; opposition to officers of state, 182; support of Edward III., 112, 126, 182; triumph of under Edward III., 144.
Barton, Peter, chancery clerk, 66 *n.*, 148 *n.*, 161 *n.*, 176, 180, 205
Bath and Wells, John Harewell, Bishop of. *See* Harewell, John
Beauchamp, Giles, 111
  John, 111
  Roger, 133, 137
Becket, Thomas, chancellor and Archdeacon of Canterbury, 1, 3, 4, 5
Berkeley, Maurice, 111 *n.*
Berwick, chancery at, 89; chancellor and chamberlain of, 165
Billyngford, James of, chancery clerk, 85
Bintworth, Richard, chancellor and Bishop of London, 36, 78 *n.*, 107, 110 *n.*, 200, 211; Bishop of London, 186; keeper of the privy seal, 104 *n.*, 107; death of, 109
Black Death, the, 114, 118; of 1374, 180
Blebury, John, chancery clerk, 70 *n.*, 76, 76 *n.*, 152 *n.*, 153-4, 153 *n.*, 179, 205
Bohun, Sir Edward, 100 *n.*
  Humphrey. *See* Hereford, Earl of
  John. *See* Hereford, Earl of
  William. *See* Northampton, Earl of
Bond, Nicholas, knight of the king's chamber, on commission holding the great seal, 203, 203 *n.*
Botheby, John, chancery clerk, 67 *n.*, 89 *n.*
Bouland, John, chancery clerk, 70, 70 *n.*, 148 *n.*, 177, 177 *n.*, 180, 205, 226
Bourchier, Robert, chancellor, 151, 159, 160, 166, 185, 201, 211; commanded to give up the great seal, 17; receives extra grants from the hanaper of chancery, 63; resides in the house of the Bishop of Worcester, 93; appointed chancellor, 113; his period of office, 114, 115

Branketre, John, chancery clerk, 68, 69 *n.*, 70 *n.*, 148 *n.*, 169, 179, 205
Brantingham, Thomas, treasurer, 124, 124 *n.*
Braybrook, Robert, chancellor, 216
Brayton, Thomas, chancery clerk, 78 *n.*, 80, 81 *n.*, 82, 148 *n.*, 154-155, 155 *n.*, 173, 173 *n.*, 179, 201, 202, 205
Brembre, Thomas, receiver of the king's chamber, 38, 39 *n.*
Brétigny, treaty of, 169
Brian, Guy, baron, 131, 133, 134 *n.*, 137, 166, 206
Brudenall, Edward, chancery clerk, 85
Burgh, Hubert de, justiciar, 5
Burgh, Thomas, Treasurer of Ireland, 152 *n.*, 153 *n.*
Burgh, William, chancery clerk, 80
Burghersh, Bartholomew, 73, 152 *n.*, 153 *n.*, 156 *n.*, 166, 186 *n.*; chamberlain, 168
  Henry, chancellor and Bishop of Lincoln, 199; petition against by Geoffrey Cotes, 17, 32, 33; uses chancery patronage for his own clerks, 31, 101; receives issues of great seal, 62; appointed chancellor, 99, 100; a leader of the government in the minority, 100; exercises influence in the office of privy seal, 101; his removal from office, 101, 102; treasurer, 103 *n.*, 104 *n.*; supports Edward's campaigns in Flanders, 110, 111 *n.*, 112 *n.*; Bishop of Lincoln, 156 *n.*
Burstall, William, chancery clerk, 66 *n.*, 76 *n.*, 78 *n.*, 148 *n.*, 171, 172, 203, 203 *n.*, 205; keeper of the rolls, 54 *n.*, 57, 67 *n.*, 72, 129, 204; keeper of the *Domus Conversorum*, 57, 58, 59, 204; biography of, 171, 172; nature of his office, 187; resignation of, xxviii, 227-228
Burton, J., chancery clerk, 67 *n.*, 76, 76 *n.*
Bury, Richard, chancellor and Bishop of Durham, 103, 104, 200
Butler, J., Earl of Ormond, 152 *n.*, 153

Cantebrugge, Henry, spigurnel of chancery, 86 *n.*
Cantelupe, Nicholas, 111
Canterbury, Archbishop of, 137, 138 *n.* *See* Stratford, J.; Langham, S.; Sudbury, S.
  chancery at, 97
Capenhurst, Thomas, chancery clerk, 164, 205
Carew, Nicholas, keeper of the privy seal, 11 *n.*, 125, 129; in charge of the great seal, 203, 203 *n.*
Carlisle, Thomas Appleby, Bishop of, 133
Chafewax of chancery, 86
Chamber, lands reserved to, iii, 15, 16, 19, 31, 224, 226
Chancellor, 87, 94, 162
  additional payments to, 114, 115
  appointment of greater clerks by, 69
  appointment of local officials by, 28, 35-40, 227
  bribery of, 33 *n.*
  care of the great seal by, xxv, xxvi, 1, 6, 17, 18, 20, 23, 189-93, 193 *n.*
  commanded to deliver up the seal, 17, 17 *n.*
  co-operation with the treasurer, xxvi, 39
  fee of, 7, 91, 96, 101, 115, 192, 196
  hearing petitions in parliament, 48, 49
  hospicium of, 90 *n.*
  house of, 97, 114, 115, 116, 129
  household of, 90, 91, 94, 96, 114, 115
  importance of, xxiii, xxvii
  in France, 18 ; registers of, 55
  in the eleventh century, 2
  independent use of the seal, 23-6
  issue of writs by, xxv, 23, 75
  laymen as, 114-16, 120, 124, 128, 129, 184, 185
  list of, under Edward III., Appendix III., 199-203. *See also* Chapter V.
  lives of, xvii, xxiii
  mouthpiece of the crown, 17
  nominee of a political clique, 144, 146
  of Ireland, 89 *n.*, 156, 173, 174
  patronage of, 19, 24, 30-3, 88, 101, 222, 226
  petition to, 69

Chancellor, political importance of, under Edward III., xxvii, xxx, 98, 144, 145
political influence on, under Edward III., 144
position of, in the administrative system, xxvi, xxvii
position of, in 1376, 144, 145
power of, xxv, xxvi, 17-19, 23
prerogatives of, 123
purchase of the office of, 5 *n.*
relations with council, xxvii, 5, 45, 49, 145, 181
relations with exchequer, 40
relations with parliament, 29, 30
result of Edward III.'s policy on the office of, 145, 146
sealing of writs in the absence of, 73
secretary of state for all departments, xxvi
separating from the king, 19, 46, 95, 96, 98
subject to small seals, 17-19
supporting the king in 1342, 145
under Henry I., 2
under Henry II., 4
under Henry III., 6, 7-9, 17, 192, 194-8
Chancery:
a secretariat, xxiii, xxiv, xxx, xxxi, 9, 11 *et seq.*, 16, 24-6, 52
a *scriptorium*, 2
administration of ecclesiastical affairs by, 30-3
administration of law by, 27
administration of parliamentary affairs by, 29, 30
an office of administration, xxv, xxxi, 9, 25, 26 *et seq.*, 52
Anglo-Saxon, 2 *n.*
at London, 97
at Westminster, 9, 91, 94, 95, 96, 97, 219
'bar of', 219
committee of 1386 and reform of, 216-17
control of, by the council, 44
departments of. *See* Hanaper and Rolls
development of, xxix, xxx, xxxi
development of, under John, 4, 5
early history of, post-Conquest, 1, 2
equitable jurisdiction of, xxv, xxx, 10, 25, 29, 29 *n.*, 40-1, 47 *et seq.*, 52, 83, 187
Chancery (*contd.*):
equitable jurisdiction of, works on, xvii
hospicium of, 90, 90 *n.*
household of, xvii *n.*, 90, 90 *n.*, 91, 92-4, 114
household of, payments for, recorded in the hanaper accounts, Appendix IV.
household of, table of the, 90, 91, 210, 212
itinerary of, 96, 97
largely controls the escheator, 33-4
largely controls the sheriff, 34-6
law court of, xxiv, 28, 29
of France, xxix *n*, 2 *n.*, 7, 24, 64
of Gascony, 12
of Ireland, 12, 89
of Lancaster, 12, 89
of Wales, 12
office of the crown in, 85, 86
officials of, 64 *et seq.*, and *see* Chancery Clerks
Papal, xxix *n.*
payments in, 60, 61, 123
petition for reform of in 1381, 215, 216
pre-Conquest, 2
records of, neglected, xxiv
relations with the council, 41, 44, 46, 50-1, 187
relations with the exchequer, 39, 40, 41
separation from the household, 10, 187
separation from the king, xxx, 9, 10, 24, 52, 95, 95 *n.*, 96, 98
source of original writs, 27
sources for the history of, xvi, xvii-xix
the office of the great seal, 11
under Edward I., 9, 10
under Henry II., 2, 3, 8, 189
under Richard and John, 6
unspecialised nature of, xxiv, xxv
Chancery Clerks:
acting as attorney, 88, 150, 152, 153, 154, 157, 160, 161, 162, 163, 165, 166, 168, 169, 170, 172, 173-6
acting as money-lenders, 88, 158, 170
clericus qui preest scriptorio, 189-90, 189 *n.*
cursitors, 65, 74, 75, 78, 86, 218, 220, 221, 223

Chancery Clerks (*contd.*):
dismissal of, 177, 227
elimination from the council, 51, 180, 181, 186, 187
employed in other chanceries, 89, 90
grades of, 65
household of, 87, 90-4, 90 *n.*
importance of, 68
in the crisis of 1341, 181, 185
in charge of the great seal, 18
increasing specialisation of, 162, 187, 188
king's clerks, 85, 85 *n.*
magister scriptorii, 189, 189 *n.*
marriage of, 217, 217 *n.*
name of, on chancery writs, 65-7, 75-8, 86, 147, 149, 150, 162, 166-9, 174, 176
notaries, 119, 169, 177
numbers of, 65
oath of, in 1346, xvii, 64, 75, 79, 83, 86, 187
of the first grade, Appendix III.
advise the chancellor regarding presentations, 88
affected by the Black Death, 148
barge of, 93
changes in, under Edward III., 148
commanders of writs, 74, 75, 76, 77, 78, 86, 147, 218, 221
election of, 69, 70, 70 *n.*, 162, 223, 227
examiners of writs, 65, 74, 75, 76, 77, 84, 86, 218, 219
help to draw up the *Ordinaciones Cancellarie*, 217
identification of, 147
in charge of the great seal, 68, 73
in the crisis of 1340–41, 148, 148 *n.*, 179
in the crisis of 1370–71, 148, 148 *n.*
in the crisis of 1376, 148, 148 *n.*, 180
judicial work of, 83
keeper of the hanaper as, 84
Lancastrian influence on, xxviii, 178
list of, under Edward III., Appendix III., 147, 148
lodging of, 90 *n.*, 93, 94, 218, 220
names of, on the departmental rolls, 147
names of, on the rolls of parliament, 147
Chancery Clerks (*contd.*):
northern origin of, 149, 178
number of, 65, 68, 147, 217
overshadowed by the chancellor, xxvii
political influence in the appointment of, xxviii, 180
privileges of, 87
receiving attorneys, 79, 80, 147, 149
relation to political magnates, 149
responsibility for construction of writs, 78
three sub-clerks of, 217
under-secretaries of state, xxviii, 70, 87
work of, in chancery, xxvii, xxviii, 70, 71, 219
work of, in parliament, 81-3, 84
of the second grade, 77, 78, 167
clerk of the petty bag, 84, 219
clerk of the crown, 65, 77, 84, 85, 218, 219, 220
clerk for scrutiny of the rolls in the Tower, 84, 219
clerk for reading the records and pleas of chancery, 84, 219
election of, 223
households of, 218
lodging of, 94
receiving attorneys, 79, 80, 219
sub-clerks of, 218
wages of, 83, 84
work of, 83, 84
of the keeper of the rolls, 65, 71, 72, 92, 217
overseas, 154, 155, 158, 159, 161, 177, 186, 186 *n.*
payment of, 87, 88
petition against in 1381, 88
privileges of, 87, 222
protonotaries, 65, 74, 74 *n.*, 189, 190
receiving attorneys, 151, 154, 159, 160, 161, 163, 165-7, 172-4, 176, 177
receiving petitions in parliament, 30, 48, 81, 82, 142, 150-5, 159, 161, 162, 165, 167-9, 172-4, 176, 177, 179
retirement of, 90, 227
robes of, 68, 87, 211
roll of, 147, 219
sigillifer regis, 190, 191
supporting the Stratfords, 182, 185, 186

Chancery Clerks (*contd.*):
under Edward I., 74
under Henry II., 2, 3, 3 *n.*
vice-chancellor, 4 *n.*, 6, 7, 189, 190, 190 *n.*, 191, 191 *n.*, 193 *n.*
visit hospitals and chapels, 31
work of, recorded, 65, 71
Chancery Warrants, xviii
Charnels, J., chancery clerk, 80
Chauntermerle, Walter, spigurnel of chancery, 86 *n.*
Chester, 164; seal of, 12
Chesterfield, Richard, exchequer clerk, 168, 177
Roger, chancery clerk, 69, 167, 168, 168 *n.*, 177, 205
Chigwell, Robert, chancery clerk, 159, 178, 186 *n.*, 205
Chronicon Angliae, 132, 136, 137, 138, 142
Cliff, Henry, chancery clerk, 77, 99 *n.*, 149 *n.*, 199, 200, 205; keeper of the rolls, 58, 62, 92, 203
Clinton, Sir William, 100 *n.*, 164
Earl of Huntingdon, 152 *n.*, 153, 186 *n.*
Cobham, Reginald, 111, 111 *n.*
Coddington, Henry, chancery clerk, 66 *n.*, 69, 148 *n.*, 175, 205
Coddington, John, chancery clerk, 78 *n.*, 81 *n.*, 165 *n.*, 166, 166 *n.*, 206
Collectors of customs: appointment by chancellor and treasurer, 37; appointment under the exchequer seal, 12, 37; appointment under the great seal, 12, 13, 37; oath of, in chancery, 37
Collectors of subsidies, 37, 38
Colyngham, John, chancery clerk, 76, 76 *n.*
Commanders. *See* Chancery Clerks
Common bench: clerks of, 31; hanaper of, 63, 219; justices of, 130; keeper of the hanaper of, 63; seal of, 13
Commons, the: in the parliament of 1376, 132, 134-7, 140; packing of, 140, 142; obtain committee from the lords in 1376, 132; petitions of, 13, 28, 43, 60, 61; request a committee from the lords in 1373, 130-1; request annual election of sheriffs, 35
Constitutional party, the, 139, 140
Convocation of 1377, 140, 141
Cotes, Geoffrey, 32, 33
Cotingham, Henry, chancery clerk, 83
Cotingham, Robert, controller of the wardrobe, 56, 57, 78 *n.*
Cotingham, Thomas, the elder, chancery clerk, 164, 168, 202, 206
Cotingham, Thomas, the younger, chancery clerk, 66 *n.*, 89 *n.*, 148 *n.*, 168, 206; keeper of the rolls in Ireland, 168
Council, 10, 21, 22, 38, 41, 117, 144-146, 162
after 1341, 144 *n.*, 145
anti-clericalism in, 184, 185
assent of, to the election of a chancery clerk, 69, 155
at the exchequer, 46 *n.*
authorisation of chancery writs by, 23, 42, 108
baronial element in, 112, 113, 144-146, 182
composition of, xxvi, 45, 46, 112, 113
control of state administration by, xxvi
dual nature of, 106
elimination of official element from, 51, 181, 186
government by, xxx, 127, 137
in England, 45 *n.*, 106, 108, 109
in France, in the fourteenth century, 181 *n.*
in 1340–41, 182, 182 *n.*, 183, 183 *n.*, 184-6
in 1372, 130
in 1376, 127, 134-40, 142
laymen in, 114
officers of state in, 182
overseas, 106, 109, 111 *n.*
personnel of, 51, 162, 167, 180, 181, 182, 184-6, 186 *n.*, 187, 208
position of the chancellor in, 45, 47, 49-50, 52, 144-6
relation to the chancery, 41-7, 52
supremacy of, after Edward III., xxx
use of, by Edward III., 113, 144
use of the privy seal by, 50, 51
warrants from, xviii, 42-4
Court party, 99, 101, 102, 103, 107, 109, 110, 113, 135, 140, 156, 157, 166, 182, 207
Courtney, William, Archbishop of Canterbury, 103
Bishop of London, 131, 132, 133 *n.*, 141, 141 *n.*, 216

Cousyn, Robert, spigurnel of chancery, 86 *n.*
Coventry, Bishop of, house of, in London, 116
Crisis of 1341, 68, 72, 110, 111 *n.*, 112 *n.*, 117, 119, 121, 125, 126, 142, 144, 145, 147, 154, 156, 157, 159, 165, 179, 180, 181, 182, 183, 184, 205, 206
Crisis of 1371, 123, 124, 125, 126 *n.*, 127, 128, 130, 135, 141, 144, 172, 179
Crisis of 1376, 124, 128, 130, 132-40, 173-4, 180
Cursitors. *See* Chancery Clerks
Cursus of chancery, 218

Dagworth, Thomas, 166
Darcy, John, senior, 111 *n.*
John, junior, 111, 111 *n.*
Derby, Henry, Earl of, 111 *n.*
Despenser, Henry. *See* Norwich, Bishop of
Hugh, the younger, 151, 163, 164
Hugh, son of the above, 156 *n.*, 159
Deyncourt, John, 161
Oliver, 150
Dialogus de Scaccario, 2
Domus Conversorum, 57, 58, 59, 92, 92 *n.*; keepers of, Appendix III., 58, 59, 172
Durham, bishopric of, 104; chancery at, 89; seal of, 12

Edmund, Earl of Cambridge, 125, 134, 168
Constable of Dover, 138
Edmund, Earl of Kent, 100, 101, 161, 163
Edward I.: chancery under, 9, 10, 26, 95, 96; composition of the council under, 181; housing of the rolls under, 57; use of original warrants under, 20; use of transcripts under, 55
Edward II.: attitude towards the barons, 143, 144; chancery under, 10, 28
Edward III.: policy of reconciliation with the barons, xxx; character of his reign, 10; farms out issue of judicial writs, 13, 63; writes under his secret seal, 15; creates a griffin seal, 16; forbids the issue of writs by the chancellor, 18, 19; appoints chancery clerks, 69, 70; character of, 98; minority of, 98-102; formation of court party by, 99; alliance with the Lancastrians, 101, 106, 107; early policy of, 102; issues the Ordinances of Walton, 104; his mistrust of the government in England, 106; his policy towards the Stratfords, 106; the development of his policy after 1330, 106, 107; the importance of his early wars, 107; breach with the Stratfords, 107, 109; his letter of May 1339, 108 *n.*; returns to England February 1340, 109; reconciliation with the Stratfords, 109; quarrel with John Stratford, 109, 110; cements alliance with baronage, 110; his employment of the household after 1341, 111; nature of the baronial opposition to him in 1341, 111 *n.*; employs baronial advisers, 112, 113, 181; results of his policy from 1330 to 1341, 113; his anti-clericalism, 114, 183-6; is supported by the new lay chancellor, 114; returns to clerical ministers, 116; reprimands John Thoresby in 1355, 120; his promotion of William Wykeham, 122, 123; is unable to suppress political strife in his later years, 123; is not responsible for the crisis of 1371, 124; the failure of his policy 1341–71, 126, 127; impossibility of defining his position 1371–76, 127; his loss of control after 1371, 127; withdraws his support from the constitutional party, 1376, 134; his failure in his later years, 143; the results of his alliance with the barons, 144; continues the political importance of the chancellors, 145, 146; unites barons, household, and courtiers in his support, 182; attacks John Stratford 1341, 183; retracts concessions to parliament of 1341, 185; reconciled to John Stratford, 185; arrangements for sealing during his absence overseas, 209, 210

Edward, the Black Prince, 131, 131 *n.*, 133 *n.*, 155, 169, 179; keeper of England, 1340, 225; hostility towards John of Gaunt, 125; his fatal disease, 127, 131; supported by William of Wykeham, 128; inspires opposition party, 1376, 132, 133; death of, 138 *n.*, 140; political influence of, 155
Edwinstow, Henry, chancery clerk, 69, 69 *n.*, 73, 77 *n.*, 79 *n.*, 81 *n.*, 90 *n.*, 103, 149, 150, 179, 199, 200, 206
Edyngton, chancellor and Bishop of Winchester, 120, 121, 168, 202, 212
Ellerker, John, the younger, 150
Ely, Bishop of. *See* Hothum, John; Langham, Simon; Longchamp, William
Emeldon, Robert, chancery clerk, 89 *n.*, 90 *n.*
William, chancery clerk, 80, 80 *n.*, 89 *n.*, 93, 164, 206
Equity. *See* Chancery, equitable jurisdiction of
Erghum, Ralph, chancellor of John of Gaunt, Bishop of Salisbury, 141
Escheator, relations to the chancery, xxvi, 33, 34, 49
Evesham, Thomas, chancery clerk, 68, 77 *n.*, 79 *n.*, 93, 100 *n.*, 148 *n.*, 151-3, 152 *n.*, 153 *n.*, 154, 162, 178, 179, 201, 206; keeper of the rolls, 57, 72, 92, 203, 204; examiner, 76, 76 *n.*
Examiners. *See* Chancery Clerks
Exchequer, 28, clerks of, 31, 91 *n.*, 168; hanaper accounts in, 62, 64; pleas in, 40, 41, 61; relations with the chancery, 39-41; warrants of, 71 (and *see* Warrants)

Fauconberg, John, 157, 157 *n.*
Fees for writs under the great seal, 60
Ferraris, Henry, chamberlain, 111 *n.*
Ferriby, John, 153 *n.*, 159 *n.*
Richard, keeper of the wardrobe, 103 *n.*
Fines, in chancery, 60, 61
Fitzalan, Richard. *See* Arundel, Earl of
Fleta, xvii, 64, 65, 71, 74, 74 *n.*, 75, 190
Franchises, 12
French Chronicle of London, 183, 184
Freton, John, chancery clerk, 66 *n.*, 148 *n.*, 177, 179, 180, 206
Furnival, Thomas, the elder, 157, 157 *n.*
Thomas, the younger, 157

Garton, Thomas, clerk of Queen Isabella, 151
Gascony, chancery of, 12, 12 *n.*
Gaunt, John of. *See* Lancaster, Duke of
Gloucester, Hugh of Audley, Earl of, 113, 114; and *see* Audley, House of
Gogh, John, chancery clerk, 90 *n.*, 165, 166, 178, 206
Good Parliament, 121, 127, 132-40, 176, 177; warrant for the summons of, 178 *n.*
Greater clerks of chancery. *See* Chancery Clerks
Grey, Richard, of Codnor, 152 *n.*
Walter, Archbishop of York, chancellor, 191, 192
Grimsby, Edmund, chancery clerk, 76, 76 *n.*, 80, 89 *n.*, 148 *n.*, 158, 161, 179, 201, 206
Grimsby, Elias, 78, 80, 82, 148 *n.*, 161, 179, 206

Hamsterley, William, 175
Hanaper of chancery, 13, 59 *et seq.*, 219; accounts of, xix; creation of, 7, 54, 59; expenditure from, 62, 63, 68, 176; income of, 60, 61, 163; issue of writs from, 55; keeper of, Appendix III., 59, 61, 68, 84, 88, 158, 163, 170, 171, 218; keeper of, inn of, 94; keeper of, letter to, 225; office of, 59; profits from writs of judgment in, 27; staff of, 62
Hanaper of the Common Bench. *See* Common Bench
Harewell, John, Bishop of Bath and Wells, 133 *n.*; on the committee of parliament, 1373, 131; chancellor of the Black Prince in Aquitaine, 141 *n.*
Hastings, John. *See* Pembroke, Earl of
Hugh, 43
Haydock, Henry, chancery clerk, 83, 89 *n.*, 167, 206

Hemmingburg, Robert, clerk of chancery, 79 *n.*, 89 *n.*
Henry II., chancery under, 2, 9; fees paid in chancery under, 60; seal of the exchequer under, 12
Henry III., attack on the office of chancellor, 6, 7, 194-8; chancery under, 7, 8, 9, 10, 54, 95 *n.*, 194-8; mention of service under, 20; minority of, 5; use of *Teste me ipso*, 7
Hereford, John Bohun, Earl of, 153, 153 *n.*
Herlaston, William, chancery clerk, 76*n.*. 99, 149 *n.*, 150, 161, 199, 206
Hildesle, John, chancery clerk, 70 *n.*; chancellor of the exchequer, 103 *n.*
Holden, Robert, keeper of the *Domus Conversorum*, 58
Hothum, John, Bishop of Ely, chancellor, 62, 99, 100, 101, 199
Houghton, Adam, Bishop of St. David's, chancellor, 133, 142, 143 *n.*, 203
House of Converts. *See Domus Conversorum*
Household of the king, 10, 107, 110, 111, 113, 144; steward of, 136
Household of chancery. *See* Chancery
Hospicium cancellarie, 90 *n.*; and *see* Chancery
Hungerford, Elias, 164
Huntingdon, Earl of. *See* Clinton, William

Ingelby, Henry of, 161; keeper of the *Domus Conversorum*, 58, 204
Ingham, Oliver, 100 *n.*, 164, 164 *n.*
Inquisitions, Chancery, 71; of *A.Q.D.*, 66, 77; of *Post Mortem*, 66, 77; Miscellaneous, 77
Ireland, administrative changes in, 104 *n.*; chancellor of, 139 *n.*, 173; chancery of, 12, 12 *n.*; chief baron of the exchequer of, 40 *n.*; justiciar of, 139 *n.*, 173; treasurer of, 40 *n.*
Isabella, Queen, 13, 63, 99, 99 *n.*, 100, 101, 102, 103 *n.*, 163, 171

John, King, chancellors under, 1, 5, 7, 8; chancery under, 4, 5, 6, 54; fees of the hanaper under, 60; privy seal under, 13
Judges, appointment of, 27
Justices, appointment of, 127; commons petition against, 116; in parliament, 29; itinerant, 28, 61; oath of, 186, 186 *n.*; on the council, 45, 186, 186 *n.*
Justiciar, 5, 192

Keeper of the rolls. *See* Rolls
Keepers of the peace, appointment of, 28
Kelleseye, Robert, chancery clerk, 76, 76 *n.*, 89 *n.*, 148 *n.*, 161, 179, 206
Kelshill, Gilbert, 109
Kilsby, William, keeper of the privy seal, 72, 80 *n.*, 112 *n.*, 185; writes on behalf of the council, 43; growing prominence in 1340, 110 *n.*; accompanies Edward from Flanders in November 1340, 111; opposes John Stratford in 1341, 112; in charge of the great seal, 1341, 113, 154, 200; disliked by the barons, 145; in charge of the chancery rolls, 1341, 203
King's Bench, clerks of, 31; hanaper of, 13
Knight, Richard, spigurnel of chancery, 86 *n.*
Knights of the shire, 130, 134, 140
Knyvet, John, chancellor, 11 *n.*, 35, 36, 42 *n.*, 69, 129, 131, 131 *n.*, 132, 136 *n.*, 203, 203 *n.*, 226, 227

Lacy, Peter, keeper of the privy seal, 124
Lancaster, chancellor of, 176, 208; chancery of, 12, 12 *n.*, 89, 89 *n.*
Henry, Duke of, 12, 161 *n.*, 167, 169, 179
Henry, Earl of (*ob.* 1345), 100, 116 *n.*, 119, 157, 161, 165
House of, xxviii, 165, 169, 178, 207
John, Duke of, 15, 28 *n.*, 124 *n.*, 125 *n.*, 128, 128 *n.*, 130, 136 *n.*, 143, 155, 169, 172, 174, 175, 175 *n.*, 176, 180; inspires the attack on Wykeham, 1371, 125; inherits Lancastrian constitutionalism, 126, 144; dominates the royal council after 1371, 126 *n.*, 127; his connection with Sir Robert Thorp, 124, 129; delivers the great seal to John

Knyvet, 129; his support of the government in 1373, 131; his opponents in the council of 1376, 132, 133, 133 *n.*; his position at the beginning of the crisis of 1376, 135, 136; his influence in the government, 136; he is attacked by the Good Parliament, 137, 138; regains his supremacy by October 1376, 138; he attacks his enemies, 140; is opposed by convocation, 1377, 140; supports John Wycliffe, 141, 141 *n.*, 142; his anti-clerical policy, 141; his support of clerical ministers in 1377, 142
Thomas of, 102, 157 *n.*
Lancastrian constitutionalism, 102, 106, 113, 126, 144, 182, 183 *n.*
Lancastrian party, 101, 102, 106, 113, 126, 141, 144, 159, 176
Langetoft, John, chancery clerk, 69, 70, 76 *n.*, 80, 148 *n.*, 179, 206; biography of, 155
Langham, Simon, chancellor and Bishop of Ely, 121, 202, 212; chancellor and Archbishop of Canterbury, 93 *n.*, 121
Latimer, William, chamberlain, 125, 129, 133; in charge of the great seal, 129, 202, 203; removed from the council, 134 *n.*; association with John of Gaunt, 136; pardoned, 137, 138 *n.*
Laundes, Geoffrey, chancery clerk, 67 *n.*, 77 *n.*
Law, administration of, by chancery, 27
Lawyers, 130
Letters from chancery. *See* Writs
London, 91, 92, 93, 93 *n.*, 94, 166; Bishop of, *see* Bintworth, Richard, and Courtney, William; chancery at, 97; headquarters of chancery at, 95; house of the Bishop of Rochester at, 92 *n.*; house of Robert Parvyng in Aldermanbury at, 115; Tower of, 57, 58, 59, 92
Longchamp, William, chancellor and Bishop of Ely, 5, 191, 192
Lords, petition against clerical ministers in, 124
Loveyn, Nicholas, knight of the chamber, 174
Lymbergh, Adam, 100 *n.*, 207; in charge of the great seal, 99, 199
Lyndewode, Nicholas, chancery clerk, 69
Lyons, Richard, 135, 137 *n.*, 139 *n.*

Maltravers, 152 *n.*, 153 *n.*, 166
Manny, Walter, 111
March, Roger Mortimer, Earl of, 13, 99, 100, 100 *n.*, 102, 154; builds up territorial power in Ireland and Wales, 101
Edmund Mortimer, Earl of, 128, 140, 174; on the committee of parliament, 1373, 131; a leader of the opposition, 1376, 132; entertained by the knights of the shire, 134; on the council of 1376, 137
Marcher Lords, chanceries of, 12
Mare, Peter de la, 134, 134 *n.*, 135, 135 *n.*, 145
Martin, Geoffrey, chancery clerk, 85, 85 *n.*, 86
Marton, John, chancery clerk, 80, 89 *n.*, 148 *n.*, 160, 179, 207
Medham, Sir S., 111 *n.*
Melton, R., chancery clerk, 67 *n.*
William, Archbishop of York, 119, 158, 200
Mentions of service, xxiv; introduction into chancery, 9, 20; on writs of great seal, 20-3, 42, 108; on writs of privy seal, 14
Mentions of the clerk, xxiv, 66, 75, 76
Middle party under Edward II., 100
Middleton, T., chancery clerk, 67 *n.*, 83 *n.*
Mirfield, William, chancery clerk, 66 *n.*, 78 *n.*, 148 *n.*, 169, 180, 180 *n.*, 203, 207
Modus tenendi Parliamentum, 81, 84
Molyns, John, 104 *n.*, 111 *n.*, 161
Monarchy, the, restoration of, by Edward III., 98, 101, 102, 126; in the fifteenth century, xxx
Montague, William, 43, 103 *n.*, 224
Earl of Salisbury, 111 *n.*, 185
See Salisbury, Earl of
Mortimer, Hugh, 166
For Edmund Mortimer and Roger Mortimer, *see* March, Earl of
Multon, Simon, chancery clerk, 69, 148 *n.*, 175, 175 *n.*, 180, 180 *n.*, 207

Muskham, Robert, chancery clerk, 67 *n.*, 76, 76 *n.*

Neville, Ralph, chancellor in 1244, 7, 192, 193 *n.*, 194, 196, 196 *n.*
Ralph of Raby, 110 *n.*, 111 *n.*, 151, 165
John, son of Ralph, steward of the household, 1376, 135, 136
Newenham, Thomas, chancery clerk, 66 *n.*, 148 *n.*, 173, 179, 203, 207
William, chancery clerk, 80, 166, 167, 207
Normanton, Benedict, chancery clerk, 85
Northampton, William Bohun, Earl of, 111, 111 *n.*, 158
Northburgh, Roger, treasurer, 100 *n.*, 110 *n.*, 116
Northwell, William, 150
Norwich, William Airmyn, Bishop of, 152 *n.* *See* Airmyn, William
Henry Despenser, Bishop of, 132, 133 *n.*
Notary. *See* Chancery Clerks

Oath of 1346. *See* Chancery Clerks
Offord, Andrew, chancery clerk, 167, 187 *n.*, 202, 207
John, chancellor, 38 *n.*, 120, 202, 211, 226; appointed chancellor, 116; presents to living on lands reserved to chamber, 19, 31; biography of, 117, 118; death of, 202 *n.*
Ordinaciones Cancellarie. Appendix VI., xviii, 64, 65, 68, 71, 75, 77, 78, 79, 84, 85, 94, 214-17; text of, 217-23
Ordinance of Walton, xxvi, 16, 27, 39, 44, 104-9, 105 *n.*, 108 *n.*, 110, 210
Orleton, Adam, Bishop of Worcester, 100 *n.*, 120, 120 *n.*
Osgodby, Adam, keeper of the rolls of chancery, 55, 57, 92, 92 *n.*; keeper of the *Domus Conversorum*, 58, 77, 204 *n.*

Papal Curia, suspension of chancellorship in, 7
Pardishowe, Thomas, chancery clerk, 148 *n.*, 160, 201, 207
Parliament, chancellor in, 29, 30; clerk of, 30, 81, 84, 149, 166; clerk of the crown in, 85; judicial work of, 29, 81; of 1341, 114, 185; of 1372, 130; of 1373, 130, 131; of 1376, *see* Good Parliament; packing of, 140, 142, 180; petitions in, *see* Petitions; records of, 81, 123
Parvyng, Robert, chancellor, 128, 201, 211; creates a clerk of the first grade, 69, 162; receives grant for upkeep of household, 91; biography of, 115
Pembridge, Richard of, 125 *n.*
Pembroke, John Hastings, Earl of, 128, 129, 176, 180; attack on clerical ministers by, 124, 125
Mary of St. Pol, Countess of, 154, 155, 155 *n.*, 159 *n.*
seal of, 12
Percy, Henry, Baron of Alnwick, 110 *n.*, 151, 165
Henry, son of the above (Earl of Northumberland, 1377), on the committee of parliament 1376, 133; political connections, 133 *n.*; on the council of 1376, 137
Perrers, Alice, 132, 135, 139, 177, 179, 180
Petitions in parliament, xvii, 30, 32, 41, 48, 81-3, 130; against justices, 116; against clerical ministers, 123, 124; receivers of, *see* Chancery clerks; triers of, 82
Petty bag, clerk of, 84
Philippa, Queen, 155, 155 *n.*, 160, 170, 171
Pokelyngton, John, chancery clerk, 76, 76 *n.*, 80, 164 *n.*
Pole, Michael de la, chancellor, 94 *n.*, 216
William de la, 82 *n.*
Poleyn, Theobald, *portejoie* of chancery, 87 *n.*
Portejoie of chancery, 87, 96
Power, Walter, chancery clerk, 67 *n.*, 78 *n.*, 80, 92, 129, 148 *n.*, 158, 165, 172, 173 *n.*, 179, 180, 180 *n.*, 203, 207, 212
Presentation to livings, 24; by the chancellor, 30-3
Protonotaries. *See* Chancery Clerks

Ravendale, Michael, chancery clerk, 66 *n.*, 148 *n.*, 174, 174 *n.*, 180, 207
William, keeper of the hanaper of chancery, 68, 204, 225, 226

Ravenser, John, chancery clerk, keeper of the hanaper of chancery, 59 *n.*, 204 *n.*
Richard, chancery clerk, 67 *n.*, 68 *n.*, 78 *n.*, 148 *n.*, 155 *n.*, 161, 170, 179, 180, 180 *n.*, 203 *n.*, 207; in charge of the great seal, 129, 203; keeper of the hanaper of chancery, 59 *n.*, 84, 94, 204; treasurer of Queen Philippa, 88
Recognisances for debt, 54; pleas of, 29
Regents' warrants, xviii
Revolution of 1330, 101, 102, 106, 107, 162, 163
Richard I., chancellors under, 1, 5, 7, 8; chancery under, 6
Rolls of chancery, xxiv, 71, 79, 92, 168; at the time of William Burstall, 54 *n.*; cancellation of entry in, 44; classification of, under Edward III., 54; compilation of, 55; first appearance of, 54, 190; in the *Domus Conversorum*, 57-9; in the house of the Carmelite friars, London, 57; in the Tower of London, 56, 57, 59, 84, 219; keeper of, Appendix III., 14, 44, 51, 71, 72, 75, 155-8, 162, 171, 172, 185, 218, 221; and the issue of writs, 72; clerks of, *see* Chancery Clerks; importance of, 72; in Ireland, 89 *n.*, 168; inn of, 91, 92, 94, 212, 221; keeping the household of chancery, 90; letter of, 225; member of the council, 72; work of, 72, 73
memoranda on, 97
office of, an account of, xvii; increasing work in, 217
transcripts used for, 55, 55 *n.*
transporting of, 87, 94, 96, 166, 212
Ronhale, Richard, chancery clerk, 69
Roos, Thomas, of Helmsley, 165, 175

Sadington, Robert, 154, 186 *n.*, 201; chancellor, 17 *n.*, 116, 117, 128, 165, 202, 211; chief baron of the exchequer, 104 *n.*; treasurer, 110 *n.*
St. Davids, Bishop of. *See* Houghton, Adam
Saint Pol, John of, chancery clerk, 73 *n.*, 77 *n.*, 78 *n.*, 80, 85 *n.*, 148, 148 *n.*, 151, 157, 165, 165 *n.*, 166, 207; biography of, 155-7; appears among leading clerks, 103; career cut short by crisis of 1340, 72; remains greater clerk after his disgrace of 1340, 68, 72; keeper of rolls of chancery, 43, 57, 73, 203, 225; combines the office with the keepership of the House of Converts, 58, 204; in charge of the great seal, 200, 201, 202; independent keeper of the great seal, 109; chancellor of Ireland, 89 *n.*; requests the keeper of the privy seal to issue warrant for great seal, 14, 31 *n.*
Salisbury, William Montague, Earl of, 111 *n.*, 185
William Montague, Earl of, son of the above, on the committee of parliament, 1373, 131; entertained by the knights of the shire, 1376, 134; admiral of the fleet, 139
Scarle, John, chancery clerk, 66 *n.*, 80
Scire facias, pleas of, 29
Scrope, Geoffrey le, 111 *n.*
Henry le, 131, 133
Richard le, chancellor, 18, 216, 216 *n.*; treasurer, 124, 129, 136 *n.*; on commission holding the great seal, 203, 203 *n.*
Seal, of absence, 105, 107, 108, 209, 210; of the common bench, 13, 51; of the exchequer, 11, 12, 27, 39; of the justices, 27, 60; of the king's bench, 13, 51; of the regent, 209, 210
the great, xvi, xvii, xxv, 1, 6, 11, 12, 26, 52; abroad, 119, 209; commissions holding, Appendix III., 73, 99, 103, 109, 114-16, 129, 149, 150, 154, 156, 159, 160, 167, 171-3; fee of, 59, 60, 223; forgeries of, 140; issues of, 7, 101, 196; keepers of, under Henry III., 111, 194-8; key to the evolution of chancery, 11, 16; limitations on the use of, 12, 13, 14-16; of Edward III., xvii; on judicial writs, 61; on letters close, 75; personal seal of the king, xxxi; reduplication of, 13; separation from the king, 13, 16, 20, 23, 24, 27, 52; the seal of the

council, 45; used in the chancellor's absence, 73; unspecialised nature of, xxv, 11; warrants for the use of, xviii, xix, xxiv, 20-3; warrants under, 39, 63
the griffin, keeper of, 15; letter under, 224; origin of, 15; reinforced by the great seal, 12; use of, under Edward III., xviii, 16, 225
the privy, a means of approach to the great seal, 15; abroad with the king, 105, 108, 119; bills of, xviii; first appearance of, 95 *n.*; influenced by the chancellor, 33; interpolated between chancellor and king, xxx, 13, 15, 16; keeper of, 14, 15, 50, 107, 117, 118, 119, 122, 124, 125, 129, 161; new in 1338, 14; office of, 1 *n.*; reinforced by the great seal, 11, 11 *n.*; separation from the king, 14; use of, before Edward III., 8, 13, 14; use of, by the council, 50, 51; use of, under Edward III., 8, 14, 15, 42, 60; warrants of, xviii, 14, 32, 70, 95, 101, 105, 108; warrants to, 14
the secret, xxx, 14-18, 225
the signet (*see also* the secret), 15, 208
Second-grade clerks. *See* Chancery Clerks
Secretarii, 98, 110, 111, 112 *n.*, 145, 182
Segrave, Hugh, steward of the Black Prince, 138, 138 *n.*
Shareshull, William, 45, 151, 186 *n.*
Sheriff, accounts to the exchequer, 36; authorised by writs of great seal, 36; dependent on chancery and exchequer, 34; elected by chancellor, treasurer, etc., xxvi, 34-5; relations with the chancery, 34-6, 49
Sibthorp, Thomas, chancery clerk, 92 *n.*, 151, 162, 163, 163 *n.*, 164 *n.*, 165 *n.*, 179, 207; keeper of the hanaper of chancery, 204
Skirlaugh, Walter, chancery clerk, 70, 178, 180, 207, 226
Spaigne, Nicholas, chancery clerk, 6, 7 *n.*, 148 *n.*, 172, 173, 179, 180, 180 *n.*, 202, 207
Spigurnel of chancery, 86, 86 *n.*
Stafford, Ralph, baron (Earl of, 1351), 111 *n.*
Hugh, Earl of, son of Ralph, on the committee of parliament, 1376, 133, 133 *n.*; entertained by the knights of the shire, 134; member of the reconstructed council of 1376, 137
Stafford, Richard, 133, 134 *n.*
Stratford, Henry, chancery clerk, 80, 148 *n.*, 149 *n.*, 179, 207
Stratford, John, Bishop of Winchester, Archbishop of Canterbury, chancellor, 28, 43, 73, 118, 118 *n.*, 119 *n.*, 152 *n.*, 186 *n.*; receives extra grant as chancellor, 63; his first resignation of the great seal, 103, 103 *n.*; his second chancellorship, 104; growing friction with Edward III., 106-107; his opposition to the king, 109; reconciliation and third period of office, 109, 110; resignation June 1340, 110; his disgrace, 112, 113; letter to Edward III. in 1341, 182, 183, 183 *n.*, 186; opposition to the king, 112 *n.*, 114; is reconciled with the king, 185
Stratford, Ralph, Bishop of London, 110 *n.*
Stratford, Robert, brother of John, Bishop of Chichester and chancellor, 63, 69, 73, 93, 103, 106, 152 *n.*, 199, 200, 201, 207, 211; chancellor of the exchequer, 103; keeper of the great seal, 104; appointed chancellor, 104; resigns the great seal, 106; reappointed, 110; driven from office November 1340, 110
Stratfordian opposition to Edward III., 106, 107, 109, 110, 112 *n.*, 113, 182, 183 *n.*, 185
Stury, Richard, 42 *n.*
Sudbury, Simon of, Archbishop of Canterbury, 103, 141, 142
Suffolk, Robert of Ufford, Earl of, 117; accompanies Edward III. to Flanders, 1339, 111 *n.*; on the committee of parliament, 1376, 133; political connections 113 *n.*; entertained by the knights of the shire, 1376, 134; admiral of the

fleet, 139; member of the council, 185
Sutton, Roger, chancery clerk, 67 *n.*, 76 *n.*, 89 *n.*

Tamworth, John, chancery clerk, 66 *n.*, 76, 76 *n.*; clerk of the crown, 77, 84, 85, 85 *n.*, 86
William, 176
Taunton, Robert, keeper of the privy seal, 103 *n.*
Teste me ipso clause in charters, 3 *n.*, 7
Thelwell, Thomas, chancery clerk, 89 *n.*, 148 *n.*, 175 *n.*, 176, 180, 208; chancellor of the Duchy of Lancaster, 176
Thoresby, John, Bishop of Worcester, Archbishop of York, chancellor, 166; chancery clerk, 80, 82, 82 *n.*, 88, 121, 148, 152 *n.*, 159 *n.*, 161, 179, 208; keeper of the rolls, 57, 92, 93, 185, 186, 186 *n.*, 201; keeper of the privy seal, 117, 210 *n.*; chancellor, 42, 118, 202, 211, 212; reprimanded by Edward III., 120
Richard, keeper of the hanaper of chancery, 204
Thorp, Robert, 186; chancellor, 40, 124, 125, 128, 128 *n.*, 203, 203 *n.*, 212; death of, 186 *n.*
Tissington, Richard, chancery clerk, 66 *n.*, 148 *n.*, 176, 180, 208
Tract of Masters in Chancerie, xvii, 29, 64
Treasurer, 28, 34, 35, 37, 40, 49; authorisation of chancery writs by, 39; chancery warrants from, xviii; jurisdiction of, 41
Treton, Richard, 129, 203 *n.*

Ufford, Robert. *See* Suffolk, Earl of

Vere, John de, Earl of Oxford, 161

Wake, Thomas of Liddell, 38, 110 *n.*
Wakefield, Henry, Bishop of Worcester, keeper of the wardrobe, 141; treasurer, 142
Wales, chancery of, 12, 12 *n.*; justice of, 104 *n.*
Waltham, John, keeper of the rolls of chancery, 67 *n.*, 172 *n.*, 204 *n.*
Wardrobe, controllers of, 15, 136; keeper of, 84
Warrants, chancery, from the butler, 23; from the council, 42, 42 *n.*, 43, 44, 224; from the keeper of the wardrobe, 84; from the regent, 210; from the treasurer, 23, 39, 43, 108, 223; of griffin seal, 19; of privy seal, 14, 32, 70, 95, 101, 105, 108, 223, 226; record of, 21; verbal, 20
to the exchequer, of expenditure under the griffin seal, 16; of expenditure under the great seal, 39; of privy seal, 14, 168; under the great seal, 77, 168
to the sheriffs, for expenditure, under the great seal, 36, 36 *n.*
to the sheriffs, under the privy seal, 36 *n.*
Warwick, Thomas Beauchamp, Earl of, 133, 133 *n.*, 134
Watenhulle, John, chancery clerk, 80
Wath, Michael, chancery clerk, 77 *n.*, 148 *n.*, 156, 157, 158, 179, 200, 208; keeper of the rolls, 57, 72, 157, 203
Wellingrove, William, chancery clerk, 76, 76 *n.*
Westminster, headquarters of chancery at, 9, 91, 93, 94, 95, 96, 97; office of the hanaper of chancery at, 59
Weston, Philip, clerk, 111
Wickford, Robert, chancery clerk, 89 *n.*, 139 *n.*, 148 *n.*, 173, 174, 179, 208; chancellor of Ireland, 173, 174, 174 *n.*
Wightman, William, spigurnel of chancery, 86 *n.*
Windsor, William of, husband of Alice Perrers, 139, 176, 177; Justiciar of Ireland, 173, 175
Wodehouse, John, chancery clerk, 148 *n.*, 158, 179, 208; keeper of the hanaper of chancery, 61 *n.*, 62, 84, 204
Wollore, David, chancery clerk, 38 *n.*, 66 *n.*, 148 *n.*, 167, 172, 172 *n.*, 173, 173 *n.*, 175, 202, 208; promoted to the first grade by the chancellor, 68, 69; keeper of the rolls, 43, 72, 72 *n.*, 73, 78 *n.*, 80, 204, 204 *n.*; keeping the household of chancery, 211
Woodstock, Thomas of, Constable of England, 138

Worcester, Bishop of. *See* Orleton, Adam; the house of, 93, 93 *n.*, 114, 115
Writs, chancery, authorisation of, xvii, 20-3; construction of, 78, 86, 87; close, xxiv, 75; date of, 55, 96; drafts of, 55; examination of, 75, 218; folding of, 75; issue of, 26, 72, 73, 172; issue of, from the hanaper, 55; patent, 75; sealing of, 73, 75, 86; transcripts of, 55; with no mention of service, 23, 26, 36 *n.*; works on, xvii
judicial, 13, 27; cost of, 63; fee for, 60, 61; income from, in the hanaper of chancery, 62; profits from, 27; sealing of, 13
of course, 27
original, xxiv, xxiv *n.*, 6, 8, 9, 13, 48, 61
Wycliffe, 124 *n.*, 132, 133 *n.*, 141, 142
Wykeham, William of, Bishop of Winchester, chancellor, commanded to give up the great seal, 18; rapid promotion by the king, 122, 122 *n.*; keeper of the privy seal, 122, 122 *n.*; succeeds Langham as chancellor, 121; chancellor, 174, 202, 207; attack on in 1371, 142, 143, 145; dismissal from chancellorship, 123, 124; position after 1371, 127, 128, 131, 132, 138; leader of the opposition, 1376, 132, 140; executor of the Black Prince, 138 *n.*; on the committee of parliament, 1373, 131; on the reconstructed council of 1376, 137, 138; supported by convocation, 1377, 141; under Richard II., 124 *n.*, 128

York, Archbishop of. *See* Melton, William; Thoresby, John
Ypres, John of, controller of the wardrobe, 136

Zouche, William de la, 100 *n.*; keeper of the privy seal, 15; controller of the wardrobe, 103 *n.*; treasurer, 104 *n.*

Printed in Great Britain by R. & R. Clark, Limited, *Edinburgh.*

MANCHESTER UNIVERSITY HISTORICAL SERIES

MEDIÆVAL MANCHESTER AND THE BEGINNINGS OF LANCASHIRE. By JAMES TAIT. 8s. 6d. net.

THE OLD COLONIAL SYSTEM. By G. B. HURST. 7s. 6d. net.

STUDIES OF ROMAN IMPERIALISM. By W. T. ARNOLD. Edited by E. FIDDES. With Memoir of the Author by Mrs. HUMPHRY WARD and C. E. MONTAGUE. 10s. 6d. net. *** *The Memoir may be had separately.* 2s. 6d. *net.*

CANON PIETRO CASOLA'S PILGRIMAGE TO JERUSALEM IN THE YEAR 1494. By MARGARET NEWETT. 8s. 6d. net.

HISTORICAL ESSAYS. Published in 1902 in Commemoration of the Jubilee of Owens College, Manchester. Edited by T. F. TOUT and JAMES TAIT. 8s. 6d. net.

STUDIES AND NOTES SUPPLEMENTARY TO STUBBS' CONSTITUTIONAL HISTORY. By C. PETIT-DUTAILLIS. Edited by JAMES TAIT.

Vol. I. Translated by W. E. RHODES. 6s. net. Vol. II. Translated by W. T. WAUGH. 6s. net. Vol. III. (*In the Press.*) Vols. I. and II. In one volume. 10s. 6d. net.

MALARIA AND GREEK HISTORY. By W. H. S. JONES. To which is added "The History of Greek Therapeutics and the Malaria Theory," by E. T. WITHINGTON. 6s. net.

THE HISTORY OF GRUFFYDD AP CYNAN. The Text. Edited by A. JONES. 8s. 6d. net.

THE GREAT CIVIL WAR IN LANCASHIRE, 1642–51. By E. BROXAP. 7s. 6d. net.

A BIOGRAPHY OF THOMAS DEACON, THE MANCHESTER NON-JUROR. By H. BROXAP. 7s. 6d. net.

THE EJECTED OF 1662: In Cumberland and Westmorland. By B. NIGHTINGALE. 2 vols. 28s. net.

A HISTORY OF PRESTON IN AMOUNDERNESS. By H. W. CLEMESHA. 10s. 6d. net.

A SHORT HISTORY OF TODMORDEN. By J. HOLDEN. 3s. 6d. net.

THE LOSS OF NORMANDY, 1189–1204. By F. M. POWICKE. 15s. net.

IRELAND UNDER THE COMMONWEALTH. Edited by R. DUNLOP. 2 vols. 25s. net.

THE NAVAL MUTINIES OF 1797. By C. GILL. 12s. 6d. net.

CHRONICA JOHANNIS DE READING ET ANONYMI CANTUARIENSIS, 1346–67. Edited by JAMES TAIT. 10s. 6d. net.

THE PLACE OF THE REIGN OF EDWARD II. IN ENGLISH HISTORY. By T. F. TOUT. 12s. 6d. net.

GERMANY IN THE NINETEENTH CENTURY. A Series of Lectures. Edited by C. H. HERFORD. 4s. 6d. net.

THE INCENDIUM AMORIS OF RICHARD ROLLE OF HAMPOLE. Edited by MARGARET DEANESLY. 10s. 6d. net.

BELGIAN DEMOCRACY, ITS EARLY HISTORY. A Translation of "Les Anciennes Démocraties des Pays-Bas." By H. PIRENNE. Translated by J. V. SAUNDERS. 6s. net.

MANCHESTER UNIVERSITY PRESS

MANCHESTER UNIVERSITY HISTORICAL SERIES—(*Continued*)

THE MAKING OF BRITISH INDIA, 1756–1858. By Ramsay Muir. 7s. 6d. net.

STUDIES IN ENGLISH FRANCISCAN HISTORY. By A. G. Little. 10s. 6d. net.

FREEDOM AFTER EJECTION. Edited by Rev. A. Gordon. 15s. net.

THE CHARTIST MOVEMENT. By the late M. Hovell. Edited and completed with a Memoir, by T. F. Tout. 7s. 6d. net.

FINANCE AND TRADE UNDER EDWARD III. By Members of the History School. Edited by G. Unwin. 17s. 6d. net.

THE METHODIST UNITARIAN MOVEMENT. By Rev. H. McLachlan. 4s. 6d. net.

CHAPTERS IN THE ADMINISTRATIVE HISTORY OF MEDIÆVAL ENGLAND: The Wardrobe, the Chamber, and the Small Seals. By T. F. Tout. Vols. I. and II. 22s. 6d. each net. Vols. III. and IV. 30s. each net.

THE EARLY ENGLISH COTTON INDUSTRY. By G. W. Daniels. 8s 6d. net.

LETTERS OF THEOPHILUS LINDSEY. By Rev. H. McLachlan. 6s. net.

CAPTAIN MYLES STANDISH; By the Rev. T. C. Porteus. 4s. 6d. net.

THREE ACCOUNTS OF PETERLOO. By Eyewitnesses. Edited by F. A. Bruton. 6s. net.

FRANCE AND ENGLAND. By T. F. Tout. 7s. 6d. net.

THE STORY OF A NONCONFORMIST LIBRARY. By Rev. H. McLachlan. 7s. 6d. net.

THE DUTCH ALLIANCE AND THE WAR AGAINST FRENCH TRADE, 1688–97. By G. N. Clark. 12s. 6d. net.

THE PRINCIPAL SECRETARY OF STATE. By F. M. Greir Evans (Mrs. C. S. S. Higham). 30s. net.

THE CONSTITUTION OF THE DOMINICAN ORDER, 1216–1360. By G. R. Galbraith. 12s. 6d. net.

THE ANONIMALLE CHRONICLE, 1333-81. From a Manuscript at St. Mary's Abbey, York. Edited by V. H. Galbraith. 18s. net.

THE MEDIEVAL ENGLISH SHERIFF, to 1300. By W. A. Morris. 21s. net.

LORD BROUGHAM AND THE WHIG PARTY. By A. Aspinall. 18s. net.

MEDIEVAL NEWCASTLE-UNDER-LYME. By T. Pape. 12s. 6d. net.

THE CHANCERY UNDER EDWARD III. By B. Wilkinson. 17s. 6d. net.

THE CONSTITUTIONAL DEVELOPMENT OF JAMAICA, 1660–1729. By Agnes M. Whitson. 12s. 6d. net.

ST. LOUIS OF TOULOUSE AND THE PROCESS OF CANONIZATION IN THE 14th CENTURY. By Margaret R. Toynbee. *In the Press.*

THE HASTINGS-FRANCIS CONTROVERSY. By Sophia Weitzman. *In the Press.*

MANCHESTER UNIVERSITY PRESS

JAN 27
MAR 6
APR 5
MAY 12 1969

DARTMOUTH COLLEGE
3 2311 00822 1749

347.99
W659c

Wilkinson, B.
Chancery under
Edward III.